



Work, family and lifestyle

Australian families have changed with the traditional family model – father being the sole breadwinner and mother staying at home – slowly disappearing and making place for more dual-income families and single-parent families. Also, more women are participating in the workforce, people are working longer hours, and there is a projected increase in older workers. The Australian workforce is in a state of change, and this may impact on people's work-life balance.

The Queensland Government recognises the increasingly complex interplay between people's work and personal lives and the challenges involved in managing work, family and lifestyle responsibilities. It is committed to helping employers and employees establish workplace practices that improve work-life balance, and have introduced a variety of initiatives on work and family.

What law applies

State and federal legislation relevant to work, family and lifestyle

Work-life balance issues – overview

Government initiatives on work and family, statistics, dispelling myths

Why have work-life balance policies?

Benefits, development, implementation and evaluation of policies, small business policies

Negotiate work-life balance policies and practices

Identify your personal and work needs, research your entitlements, gain support, prepare a business case

Types of work-life balance provisions

Provisions provided under the *Industrial Relations Act 1999*, provisions for award and non-award employees, provisions provided at employer's discretion

Mature-aged employment

The changing labour force, flexible work arrangements, assistance with aged-care responsibilities

What law applies

The *Industrial Relations Act 1999* directly prescribes rights and obligations for employers and employees under the Queensland industrial relations system. When employers and employees enter into negotiations about work-life balance policies there are a variety of other legislation that may need to be considered.

Legislation to consider:

- *Industrial Relations Act 1999 (Qld)*
- *Workplace Relations Act 1996 (Commonwealth)*
- *Anti-Discrimination Act 1991 (Qld)*
- *Age Discrimination Act 2004*
- *Sex Discrimination Act 1984*
- *Family Leave Award 2003*

It is also important to refer to law and penalties which outlines specific Queensland and federal legislation which applies to everyone in a workplace and the repercussions if the legislation is not followed.

Industrial Relations Act 1999 (Qld)

The *Industrial Relations Act 1999* as detailed under law and penalties aims to provide a framework for industrial relations that supports economic prosperity and social justice. It also prescribes certain rights and responsibilities for employers and employees in relation to their contract of employment, including certain minimum entitlements for all employees regardless of whether their employment is covered by an industrial instrument or not.

One of the objectives of the *Industrial Relations Act 1999* (the Act) is to help balance work and family life. The Act provides for a variety of leave entitlements that apply to all Queensland employees (excluding those covered by federal awards or agreements) which may help them balance their work, family and lifestyle commitments, including parental leave, carer's leave, bereavement leave, and cultural leave. The Act also provides a framework to protect employees against unfair dismissal on discriminatory grounds, including family responsibilities.

Workplace Relations Act 1996 (Commonwealth)

On 2 December 2005, the *Workplace Relations Amendment (Work Choices) Act 2005* was passed, making major amendments to the *Workplace Relations Act 1996* (the Act). The amended Act and the regulations that accompany the Act came into operation on 27 March 2006. The new legislation means big changes for Queensland .

Anti-Discrimination Act 1991 (Queensland)

The *Anti-Discrimination Act 1991* promotes fair treatment and equality of opportunity by making unfair discrimination and all sexual harassment against the law. It gives everyone the right to be treated fairly and to take action if unlawful discrimination or sexual harassment occurs. It also places responsibilities on everyone to ensure that unlawful discrimination and sexual harassment are minimised or prevented.

For more information about the *Anti-Discrimination Act 1991* or making a complaint, please contact the Anti-Discrimination Commission Queensland on 1300 130 670 state-wide.

Age Discrimination Act 2004 (Commonwealth)

The *Age Discrimination Act 2004* (the Act) aims to ensure that people are not treated less favourably on the ground of age in a number of areas of public life including employment, education, access to premises, provision of goods, services and facilities, accommodation, disposal of land, administration of Commonwealth laws and programs, and requests for information. The act protects young as well as old people in these areas of life.

For more information about the *Age Discrimination Act 2004* or the complaint handling process, please contact the Human Rights and Equal Opportunity Commission (HREOC) on 1300 656 419 (local call) or 1800 620 241 (toll free), or e-mail complaintsinfo@humanrights.gov.au.

Sex Discrimination Act 1984 (Commonwealth)

The *Sex Discrimination Act 1984* (the Act) aims to eliminate discrimination on the grounds of sex, marital status, pregnancy, or potential pregnancy in the areas of work, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programs. The act also makes it unlawful to dismiss an employee because of their family responsibilities, and is concerned with eliminating sexual harassment.

For more information about the *Sex Discrimination Act 1984* or the complaint handling process, please contact the Human Rights and Equal Opportunity Commission (HREOC) on 1300 656 419 (local call) or 1800 620 241 (toll free), or e-mail complaintsinfo@humanrights.gov.au.

Family Leave Award 2003

The *Family Leave Award 2003* (the Award) sets down the terms of a number of leave provisions, including parental leave, carer's leave and bereavement leave. The Award also provides for part-time employment for pregnant employees and employees returning from parental leave. The Award applies to employees who are:

- Covered by a State Award that includes a clause deeming the *Family Leave Award 2003* to be a part of that particular award; or
- One of the parties bound by an industrial agreement listed in the Schedule of the *Family Leave Award 2003*

Work-life balance issues – overview

Background

Change in workforce, importance of balancing work family and lifestyle

Work, family and lifestyle statistics

Latest statistics on the subject of balancing work, life and family

Dispelling myths about work, family and lifestyle balance

Myths about policies and practices only benefiting employees with young children and gives some workers an advantage over others, give workers an inch and they'll take a mile, working long hours is an indication of high productivity, women's issues only

Government initiatives on work and family

Work and family unit, pilot program, parental leave research, industrial relations legislation, family provisions test case

Father friendly workplaces

Workplace culture accepting men in their role as fathers

Work-life balance and discrimination

What employers should know

Background

The Australian workforce is in a state of change. As the birth rate is declining and people are living longer, the Australian population is ageing. The traditional family model with one parent working full-time and the other parent staying at home full-time is now less widespread, with an increasing number of single parent families and dual income families. Jobs and work practices are different with an explosion of casual, part-time and shift work. For many people work has become more intensive and working hours have lengthened. Employers are also facing difficulties, as there are significant skills shortages across a wide range of industries and occupations.

Balancing work, family and lifestyle has become an important issue for more Australian families, business and government. The number of people who combine work and family responsibilities has increased over the past two decades, especially as more women are participating in the labour force. As the population is ageing it is likely that even more employees will be combining work with caring responsibilities.

Employees' longer working hours also put more pressure on families. Evidence suggests that long work hours create negative consequences for individuals and their families. People working longer hours are more likely to experience stress and conflict between work and family responsibilities, and often have poorer coping mechanisms to deal with these issues.

The frequency in which organisations have expressed concerns about skills shortages across a range of occupations suggests that the labour market has become tighter, resulting in difficulties for employers to attract and retain staff. Skills shortages make it equally as important for employers to make their organisation appealing to the jobseeker as it is for the contender to impress potential employers.

Work-life balance policies help people meet the needs of their work life and their personal life, are becoming progressively more important as they:

- **increase people's ability to participate** in the labour force and be productive, while taking care of family and personal needs
- **are vital in creating an attractive image for business** which appeals to prospective employees and helps in retaining employees over long periods of time

Please contact the Department of Industrial Relations' Work and Family unit on (07) 32341810 if you require information regarding research material.

Work, family and lifestyle statistics

In 1954, less than one in three women (29%) in Australia was employed (ABS, *Australian Social Trends, Work – Paid work: Trends in women's employment 1998*, Cat. No. 4102.0). In 2005, the female participation rate is around 57.0% (ABS, *Labour Force Australia 2006*, March 2006, Cat. No. 6202.0).

The majority of women (52.8%) in Queensland have caring responsibilities for children and elderly parents, and with more women participating in the labour force, balancing work and family responsibilities has become an important issue (ABS *Census 2001*).

The traditional family model is now less prevalent in Australia with data showing that the occurrence of families with at least one child with a father in full-time employment and the mother at home has decreased from 30.1% in 1996 to 19.7% in 2001 (ABS *Census 2001*).

The majority of workers with family responsibilities are caring for children. In 2001, 29.2% of Queensland workers were the primary carers of a child under 15 years (ABS, *Census 2001*).

In couple families with children aged under 15 years:

- both parents are employed in 56.5% of cases; and
- neither parent is employed in 8.5% of cases (ABS *Census 2001*)

In single parent families with children aged under 15 years:

- 45.4% of single parents are employed; and
- 54.6% of single parents are unemployed (ABS *Census 2001*)

Between 1982 and 2002, the proportion of full-time workers working a 40 hour week declined from 39% to 24%. While this was accompanied by a slight increase in the proportion of full-time workers working less than 40 hours per week, most of the shift was towards longer working hours. The greatest increase was in the proportion of full-time workers working 50-59 hours per week (from 10% to 16%) (ABS, *Australian Social Trends, Work – Paid work: Longer working hours 2003*, Cat. No. 4102.0).

The increase between 1982 and 2002 in the average number of hours worked by all full-time workers appears to be the result of a growing number of people working 50 hours or more per week. In August 2002, around 1.7 million Australians worked 50 hours or more per week, twice as many as in 1982. As a proportion of full-time workers, those working 50 hours or more per week increased from 20% to 30% (ABS, *Australian Social Trends, Work – Paid work: Longer working hours 2003*, Cat. No. 4102.0).

The proportion of female full-time workers working 50 hours or more per week almost doubled from 10% in 1982 to 19% in 2002, and may be linked to increasing representation of women in managerial and professional occupations. That said, very long working hours remain more common among men. In 2002, 35% of male

full-time workers were working 50 hours or more per week, up from 23% in 1982 (ABS, *Australian Social Trends, Work – Paid work: Longer working hours 2003*, Cat. No. 4102.0).

The Organisation for Economic Co-operation and Development (OECD) Employment Outlook (2004) ranks both Australia and Slovak Republic as the 5th highest country for hours worked per worker, behind the Czech Republic, Poland, Greece and Mexico.

In 2002 Australia had the 6th highest amount of women working 45 hours and over per week in the OECD at around 14%, behind Turkey, Japan, Mexico, Greece and Iceland. Men were ranked seventh at around 35% behind Turkey, Iceland, Mexico, New Zealand, Japan and the UK (OECD Employment Outlook 2004).

For more information access the Australian Bureau of Statistics website or the website of the Organisation for Economic Co-operation and Development (OECD).

Dispelling myths about work, family and lifestyle balance

Work-life balance policies and practices only benefit employees with young children

Work-life balance policies and practices help people meet the needs of their work life and personal life more effectively. The policies and practices can assist all people, not just those with young children. They assist people who are responsible for the care of elderly parents, people who have study commitments, those older employees who simply want to ease themselves into retirement or people with other personal and lifestyle commitments.

Our work and personal lives change across the life span with associated responsibilities, and thus the need for work-life balance policies, changing all the time. One thing that an increasing number of people might have in common in the future is their caring responsibilities for the elderly (e.g. parents and spouse) with the ageing of the population.

Give workers an inch and they'll take a mile

A high degree of trust and cooperation between management and employees is crucial to the success of work-life balance policies and will lead to improved staff morale, commitment and increased productivity. Increasingly, employers are finding that an open and cooperative approach to work-life balance can give them a competitive edge.

In a presentation at a Hudson Highland forum, Ms Avril Henry, a leading human resources consultant, said that technology is a great enabler of flexible work arrangements. She said that “employers are going to have to trust people in the future”, and that her longstanding experience in human resources had demonstrated that “if you trust people they won't let you down”. Ms Henry stressed that to maintain their talent in the future, employers would have to offer flexible work arrangements.

Working long hours is an indication of high productivity

Supervisors and co-workers who equate the number of hours spent in the workplace with productivity might penalise efficient workers who complete tasks in a shorter time. Performance should be assessed on the nature and quality of the work, not just timeserving.

The research paper from the Centre for Sleep Research, *Extended Work Hours in Australia: Counting the Costs*, presents compelling evidence for the negative impact of longer working hours on the health and safety of employees and their productivity in the workplace. Studies cited in *Extended Work Hours in Australia: Counting the Costs* indicate that employee productivity per hour for 10 -12 hour shifts is

significantly lower than for an eight hour shift. One study found workers on 10 hour shifts reported significant performance impairments for alertness, memory and attention compared to eight hour shifts.

Work-life balance policies and practices give some workers an advantage over others

Some employees may feel left out of the work-life debate as they perceive work-life balance policies are not applicable or available to them. Others may feel that they are disadvantaged when co-workers use certain policies, such as carer's leave or emergency leave, because they may have to cover for the person on leave.

However, work-life balance is an issue for all people with the need for relevant policies fluctuating across the life cycle. People's family and lifestyle commitments will vary in form and degree over time and certain policies may suddenly become a necessity for employees where they haven't been before. With the ageing of the population, more employees are likely to have caring responsibilities in the future.

To obtain similar levels of work-life balance, different people will have to make more or less use of work-life balance policies depending on what life stage they are in. For example, employees with young children may have to use flexible work hours to ensure that they have sufficient time to get their children to school or childcare, so they can come to work more relaxed knowing that their children are in capable and safe hands. Allowing such flexibility ensures that people can fulfil all their obligations in a more sufficient manner.

Balancing work and lifestyle is for workers only

Very long working hours are most common in occupations involving high levels of personal responsibility and accountability, relatively high earnings and in jobs with no standard working hours, which are all characteristics of managerial jobs. Work-life balance policies may be particularly important for managers because their job characteristics make them more vulnerable to burn-out and stress which may have a negative impact on their work performance and personal life.

Organisations should support and encourage managers to use work-life balance policies and practices, both to accommodate their own work-life balance needs and promote work-life balance among their employees by being role models.

This is just a women's issue

Since the 1970s there have been major changes in community views about parenting and the roles of fathers and mothers. There has been an increasing expectation that fathers will be more involved in parenting than has been traditionally the case and an acceptance that parenting is an important role for both parents.

International research has shown that the most important influence on a father's relationship with his children is his working pattern and that both fathers and their children benefit from work arrangements that allow them more time together. As fathers are increasingly encouraged to become more involved with their children, the issue of balancing work and family responsibilities has become more of a concern to both male and female workers.

In 2001, the Australian Institute of Family Studies conducted research using information from interviews with 47 families about work and family life. Many of the interviewed fathers saw their work as having an important impact on the time they spent with their children. There were a number of specific aspects of their work that they felt impacted on their ability to spend time with their children, including the lack of support of their workplace and/or working conditions for their family commitments. Some fathers felt they were expected to make a choice between their work and family lives.

Government initiatives on work, family and lifestyle

The Queensland government recognises the complex interplay between work and personal lives and the difficulties associated in balancing them. The government is involved in a number of initiatives aimed at helping Queenslanders balance their work, family and lifestyle commitments:

Work and Family Unit

A Work and Family Unit was established within the Department of Industrial Relations in July 2001. Its role is to provide information and education on work and family issues to the private and public sectors and undertake research and policy development in this area. To contact the Work and Family Unit, please call (07) 3234 1810 or e-mail work-family@dir.qld.gov.au.

Work and Family Project – pilot program

The Work and Family Project – pilot program is a research project run by the Work and Family Unit and The University of Queensland. Part of the project involved the development of a self-assessment measure to evaluate the work-life balance policies and practices of workplaces. Between 2002 and 2004 ten Queensland organisations participated in the project and around 9,600 employees in both rural and urban areas in Queensland received the measure.

In addition, the study examined organisational factors that might facilitate or impede the use of 'work-life balance' policies via case study research. In each organisation, a focus group with employees and a semi-structured interview with a representative of management were conducted. This information assisted with the development of the measure and was used to produce a case study analysis report for each organisation and an overall report.

Currently the measure is being developed as a downloadable tool, which means that organisations will be able to administer the measure themselves. It is anticipated that the measure will be available to organisations early this year. For more information please contact the Work and Family Unit on (07) 3234 1810 or e-mail work-family@dir.qld.gov.au.

Parental leave research

In 2004 the department joined as an industry partner in a three-year research project - Parental leave in Australia: access, utilisation and efficacy; which is led by the University of Queensland and the University of Sydney.

The primary aims of the project are to inform policy development and theoretical debate on the issues of parental leave by filling gaps in knowledge about usage, the

preferences of women and men combining work and family responsibilities, and the shaping of options and choices in workplace and household contexts.

The research project is being conducted over a three year period and includes three levels of investigation:

1. **Survey of parents** of children born 12-18 months prior to the survey to provide information on access to and utilisation of parental leave, as well as information on preferences, choices and unmet needs relating to work and family balance
2. **Workplace case studies** to collect information on the way workplaces respond to the needs of mothers and fathers of young children, and employees' return to work experiences following parental leave, including acceptance and integration in the workplace
3. **Interviews with individuals** from the initial survey to understand more fully influences such as the organisation of domestic labour and access to other types of family support on the choices people make in relation to combining paid work and family responsibilities

The project is funded through an Australian Research Council (ARC) linkage grant and support of the participating industry partners. Other organisations that have agreed to join the project as industry partners are the Human Rights and Equal Opportunity Commission, New South Wales Office of Industrial Relations, New South Wales Office for Women and the Women's Electoral Lobby.

The research project will be finalised in 2007, at which time a final report will be produced.

Industrial Relations legislation

In 1999, Queensland led the country in becoming the first jurisdiction to provide unpaid maternity leave for casual employees when it was introduced for long-term casual employees with at least two years service.

In 2001, the government took this a step further by reducing the qualifying period to 12 months service and expanding the entitlement to provide unpaid parental leave.

In 2005, the *Industrial Relations Act 1999* was amended to include:

- a requirement that the Queensland Industrial Relations Commission ensure that awards take account of employees' family responsibilities and, wherever possible, include facilitative provisions to allow agreement to be reached on work and family responsibilities
- "balancing work and family responsibilities" as an industrial matter in Schedule 1 of the Act
- that the entitlement to bereavement leave extends to circumstances where an employee needs to attend to matters relating to the death of a person overseas
- an entitlement for employees to access a reasonable amount of unpaid bereavement leave to be taken immediately before or after paid bereavement leave to facilitate necessary travel both within and outside Australia

- five days' unpaid cultural leave per year if they are required by Aboriginal or Torres Strait Islander tradition to attend Aboriginal or Torres Strait Islander ceremonies. The leave should be subject to the employer's agreement but that agreement may not be unreasonably withheld

Following the decision by the Australian Industrial Relations Commission in the Family Provisions test case on 8 August 2005, the Queensland Government amended the Industrial Relations Act 1999 to reflect the decision. The Queensland government is the first state government to legislate the test case decision.

The Industrial Relations Act 1999 was amended to provide:

- a. employees with a "right to request" his/her employer to:
 - increase simultaneous unpaid parental leave to 8 weeks;
 - extend unpaid parental leave from 52 to 104 weeks; and
 - permit an employee to return from parental leave on a part-time basis until the child reaches school age.
- b. a provision which requires that an employer shall take 'reasonable steps' to inform and discuss with an employee, whilst on parental leave, significant changes in the workplace that are likely to have a significant effect on the status or responsibility level of the position the employee held before taking leave.
- c. a new carer's leave provision in accordance with the conciliated agreement between the Australian Council of Trade Unions (ACTU) and employer organisations as part of the Family Provisions test case. The new provision improves the existing provision under the *Industrial Relations Act 1999*. The major improvements are:
 - Increasing the cap on sick leave that can be used for the purposes of caring for members of their immediate family or household who are ill from 5 to 10 days;
 - Broadening the circumstances under which carer's leave can be taken to include "unexpected emergencies";
 - Further, where an employee has exhausted all paid personal leave entitlements, they are entitled to take up to two additional days of unpaid leave per occasion to care for members of their immediate family or household.
 - A new right to 2 days unpaid carer's leave for short-term casuals to be unavailable to attend work or to leave work to care for members of their immediate family or household, when ill, for an unexpected emergency, or the birth of a child.
- d. Two days unpaid bereavement leave for short-term casuals:
 - on the death of a member of the person's immediate family or household; and
 - the extra time reasonably required by the employee to travel to and from the funeral or other ceremony for the death.

The provisions under the Industrial Relations Act 1999 apply to employees on state awards, state agreements and award-free employees working in Queensland.

Father friendly workplaces

Background

Barriers identified for men

Creating father-friendly workplaces

Background

For work and family policies to be successful, policies need to be tailored to meet the needs of men as well as women, and the workplace culture should be accepting of men in their role as fathers.

Cultural barriers in the workplace and community have traditionally prevented men from being encouraged to access working arrangements for parenting or family reasons. Research has indicated that being an involved parent is becoming increasingly important for fathers and that commitment to paid work forms a major barrier to paternal involvement.

Apart from introducing policies that may help both mother and fathers balance their work, family and lifestyle responsibilities, the creation of a father-friendly workplace requires intervention that goes beyond the introduction of these policies.

There should be an emphasis on education and communication regarding the importance of work-family balance for men and women. In addition, it is important to ensure that the workplace culture supports all employees to use these policies.

Barriers identified for men

A number of barriers to men using work and family policies have been identified, including:

- Attitudes of management including senior management that work and family policies really apply to women and are available to men only in emergencies.
- Lack of information and communication to staff regarding eligibility for policies
- A workplace culture which discourages taking leave and in which loyalty and commitment are demonstrated through working long hours.
- Companies operating in an uncertain external environment characterised by difficulties in maintaining market share, significant staff cuts and tight resources, transfer the insecurity to employees who often respond by being more dedicated to outcome targets and the associated long hours. Job security is particularly relevant to fathers as they often view their primary role as the family's breadwinner.
- In certain employment types (e.g. production workers paid by the hour) where performance is measured by production outcomes, use of family-friendly policies is restricted.
- Family-friendly provisions in the workplace are often developed to accommodate only women's responsibilities.

- Men's perceptions that their parenting role is secondary to their role as breadwinner of the family.
- Men may be concerned that using family friendly provisions would imply that they put their families ahead of their loyalty to the company or their career. Any concerns about loyalty are likely to be partly invoked by the workplace culture, discouraging people to use these provisions.

Creating father-friendly workplaces

Here are some measures that might be considered by organisations seeking to create a father-friendly workplace:

- Management and employees could be educated about the importance of work-life balance, the benefits provided by work-life balance policies and the role of workplace culture in inhibiting individual's usage of policies.
- The message communicated to staff needs to depict both men and women using work-life balance policies. It should be emphasised that these issues are relevant to working mothers and fathers and are not 'for women only'. For example, stories in brochures and newsletters should reflect the experiences of both men and women.
- Discussions between management and staff may increase understanding of mutual expectations and develop solutions to work-life balance issues for men and women.
- Discussions between team members on how they can help each other with work-life balance should be encouraged. Communication within the workplace may increase understanding of work-life balance issues both men and women are dealing with on a daily basis.
- The organisation should encourage men across all levels of the organisation, including managerial staff, to access family-friendly policies.
- Male managers could be encouraged to act as role models for working fathers by using the policies themselves. Active support by managers is necessary to change the workplace culture.
- Flexible use of time is an important element in creating a parent-friendly workplace. This does not mean working less, but giving parents more control over when and where they complete their work.
- Employers should judge employee's performance on their output, rather than the number of hours they spend at work. This is rewarding employees for performance, not face time.
- Paid paternity leave is a useful entitlement, as unpaid paternity leave is often not taken by men. Paid paternity leave can contribute to making a workplace father-friendly, but is only used by fathers a few times in their careers.

Work-life balance and discrimination

What employers should know Breastfeeding

What employers should know

The *Anti-Discrimination Act 1991* prohibits discrimination on the basis of certain attributes including:

- pregnancy
- parental status
- breastfeeding
- family responsibilities.

Employers need to be particularly careful not to breach anti-discrimination laws when dealing with employees with family responsibilities.

Terms of employment such as starting and finish times, the requirement to work full-time and attendance requirements are not directly discriminatory, but may be indirectly discriminatory.

Employers need to treat seriously requests for part-time work, flexible work hours, telecommuting and other flexible work arrangements. It is not enough to offer an employee their full-time position after returning from parental leave and let them go if they cannot work full-time. A requirement to work full-time must also pass a test of reasonableness as defined in case law.

Breastfeeding

Employees who are breastfeeding cannot be discriminated against: the *Anti-Discrimination Act 1991* and the *Sex Discrimination Act 1984* make it unlawful. For example, it is unlawful if the employer unreasonably refuses to provide a quiet place for employees to express milk at work.

More information is available on what to do if you are discriminated against.

Organisations to assist

The Australian Breastfeeding Association is a large community-based self-help group that provides innovative counselling and support services to the community and health sector throughout Australia. The Association has developed Breastfeeding-Friendly Workplace Accreditation to assist employers with the provision of facilities and formulation of policies to support breastfeeding women in the workplace.

For further information on the obligations of employers in relation to breastfeeding in the workplace, contact the Anti-Discrimination Commission Queensland on 1300 130 670 or email info@adcq.qld.gov.au.

Why have work-life balance policies

Benefits of work-life balance policies

Recognise benefits of work-life balance policies for employees and employers

Development of policies

Assess employer and employee needs, conduct cost/benefit analysis

Implementation of policies

Choose policies, create awareness, formalise policies, workplace culture, negotiate agreements

Evaluation of policies

Preparation of evaluation strategy

Small business policies

Affordable initiatives for small business

Benefits of work-life balance policies

The various roles we occupy as parents, partners and employees or employers bring with them different obligations which need to be reconciled. Balancing work, family and lifestyle commitments is often difficult and sometimes the different demands can be overwhelming and incompatible.

The result in the workplace can be that employees:

- are less productive
- are absent more often, or for longer
- disguise the real reasons for their absence
- have lower levels of morale
- are more stressed
- are more likely to leave a workplace unsupportive of work-life balance issues

Helping individuals and families achieve a balance between their work, family and lifestyle commitments by introducing work-life balance policies (i.e. policies that help people meet the needs of their work life and personal life) can provide benefits for both employees and employers.

Recognised benefits of work-life balance policies for employees include:

- improved work-life balance – a reduction in the impact of work on home and family life
- reduced stress levels
- control over time management in meeting work-life commitments
- autonomy to make decisions regarding work-life balance
- increased focus, motivation and job satisfaction knowing that family and work commitments are being met
- increased job security from the knowledge that an organisation understands and supports workers with family responsibilities

The benefits of work-life balance policies are not restricted to the employees using the policies, but also to the employer providing them.

Recognised benefits for introducing work-life balance policies for employers include:

- reduced staff turnover rates
- lower recruitment and training costs, associated with reduced turnover
- becoming a good employer or an employer of choice
- increased return on investment in training as employees stay longer
- reduced absenteeism
- reduced use of sick leave
- reductions in worker's stress levels
- improved morale or satisfaction
- greater staff loyalty and commitment
- improved productivity

Development of work-life balance policies

Some suggested steps on how to develop work-life balance policies and practices in your workplace may include:

1. Assess employer and employee needs
2. Conduct cost/benefit analysis

Assess employer and employee needs

The first step in developing work-life balance policies is to find out what the needs are of the organisation as well as the needs of the employees.

A good starting point for employers is to:

- **undertake a needs analysis** by identifying the organisation's key operating requirements such as client contact hours, equipment operating needs, minimum staffing requirements, workflow and workload peaks and troughs, and determining which work-life balance policies and practices might suit these operational needs
- **develop a business case** for introducing work-life balance policies and practices. It is important to identify any specific problems or issues that are affecting the efficiency of the business to determine if there is a business case for developing and introducing work-life balance policies. Issues that should be addressed include absenteeism, recruitment and retention/turnover, return rates from parental leave, length of service and productivity

It is important to establish base line levels of the above issues (e.g. absenteeism, retention/turnover), because they provide benchmarks against which any improvements can be evaluated. This data could be collected through personnel records and exit interviews. Personnel records can provide information on employees' absences, leave taken by employees, number of resignations, and the length of service of different employees. Exit interviews may provide information on the reasons why people are leaving the organisation.

When developing a business case it is important to link your organisational goals and objectives to the work-life policies' goals. For example, if your organisation aims to deliver a personalised service, a good knowledge of your clients' needs is necessary. Work-life balance policies may increase employees' commitment to the organisation leading to a reduction in turnover. This means that staff knowledge about clients is preserved, enabling the organisation to provide better and more personalised services to their clients.

A business case may also be needed to convince management and employees of the importance of work-life balance policies.

The needs of employees in relation to balancing work, family and lifestyle commitments can be ascertained through:

- asking employees individually (this may work best in small workplaces)

- open discussion with employees in staff meetings
- focus groups
- asking employees through general employee surveys, or through their managers and supervisors
- a formal work-life balance survey

Organisations should find out what employees would like to see introduced. To get this information, employers may:

- provide employees with a list of family friendly work practices which employers are prepared to offer and a list of other initiatives employers may consider making available
- ask employees if they would be better able to balance their work, family and lifestyle responsibilities if any of these work-life balance policies were introduced
- ask employees which options they would use if they were made available

Success of a survey depends on individuals trusting the survey process. It is essential to ensure confidentiality of individual survey responses. Confidentiality of data refers to procedures used to preclude invasion of privacy. The greater the sensitivity of the information the greater the care that must be exercised in obtaining, handling, and storing the data. Employees are more likely to falsify their responses if they believe that their identity will be known from their responses.

It is therefore important to ensure confidentiality of surveys by taking every reasonable attempt to protect access to the responses. To ensure confidentiality, the following guidelines are suggested:

- Access to completed surveys should be limited to authorised staff
- Data should be stored in files accessible only to the survey manager and his/her authorised staff or representatives

Conduct cost/benefit analysis

As part of the business case for introducing work-life balance policies, a cost/benefit analysis of proposed initiatives should be conducted to ensure that the benefits will outweigh costs.

Any costs associated with the development and implementation of work-life balance initiatives, for example the cost of additional equipment in setting up a family room or working from home arrangements, should be calculated over the life of any purchased equipment and be offset against savings associated with productivity of employees, and retention of skilled productive employees.

Organisations should consider their reasons for introducing or improving work-life balance policies in terms of less absenteeism, less sick leave, lower turnover, and increased length of service. If an organisation is introducing certain work-life balance policies aimed to reduce staff turnover, employees should calculate the cost of staff turnover, which includes costs associated with:

- paying out accrued hours and leave entitlements

- temporary replacements or overtime until the job is filled
- advertising, selection and recruitment
- induction, and on and off the job training time for the new employee

There are tools available which can help you calculate the costs associated with turnover of employees and absenteeism:

- **Turnover:** The Equal Opportunity for Women in the Workplace Agency (OEWA) provides an online costing turnover calculator tool to calculate turnover costs.
- **Absenteeism:** To calculate the total costs of absenteeism per employee for a defined period, the following formula by Gijs Houtzagers (2003) can be used:

$$ACE = (ML (WH + EBC) + S (RH + SBC) + OC)/E$$

ACE	Total costs of absenteeism per employee for a defined period
ML	Total employee hours lost to absenteeism for a defined period, including illness, accidents, compassionate absences (e.g. funeral) and emergencies, but excluding annual leave
WH	Weighted average hourly pay for the various occupational groups in the organisation
EBC	Cost of employee benefits per hour per employee (= 35% of WH)
S	Supervisor hours lost in dealing with absenteeism for the defined period. To get this figure: <ul style="list-style-type: none"> • Estimate the average amount of hours lost per supervisor per day • Determine the number of supervisors who have to deal with absenteeism • Define the total of working days for the defined period • Multiply these three figures
RH	Average hourly pay for supervisors
SBC	Costs of supervisor benefits per hour per supervisor (= 35% of RH)
OC	Estimation of other costs: <ul style="list-style-type: none"> • Temporary staff • Training time for temporary staff • Loss of production • Quality loss • Overtime for replacement of absenteeism • Costs of external agencies that provide support on absenteeism • Costs of HR dealing with absenteeism
E	Total employees

Implementation of work-life balance policies

Steps on how to implement work-life balance policies and practices in your workplace may include:

Choose your policies

Policies must be consistent with obligations and arrangements under existing industrial instruments

Create awareness

Communicate new policies to employees

Formality of policies

Formalise and document new or changed policies

Workplace culture

Supportive workplace culture, changing workplace culture

Negotiating agreements

Four types of formal agreements: state certified, Queensland workplace, federal certified, Australian workplace agreements, a guide to making state agreements

Choose your policies

Once you have completed an assessment of the employer and employee needs and conducted a cost/benefits analysis, you are likely to have a good idea of the policies that may be useful for your organisation.

Prior to implementing any new work-life balance policies, employers must ensure that these policies are consistent with existing obligations and arrangements under any award, enterprise agreement, employer-employee agreement or contract of employment which exists in the workplace.

For example, when negotiating flexible work hours arrangements it is important to be aware of the 'hours of work' clause in the relevant award. If the proposed flexible working hours are likely to conflict with existing award provisions, employers may wish to formalise these negotiations by making a certified agreement.

Create awareness

When an organisation implements new policies it is important that employees are made aware of the existence of these policies. Policies need to be effectively and appropriately communicated to the workforce and be well-articulated, in order to be adopted by employees.

A formal communication strategy is essential when introducing work-life balance policies. Communication is best achieved through a variety of channels, including via

staff meetings, e-mail, newsletters, fact sheets, brochures, posters, articles in any in-house magazines, and information packages. It is often necessary to use a variety of channels, because employees may not always be accessible via certain channels. For example, not all employees have access to e-mail, and the use of staff meetings to distribute information will be inefficient in departments or organisations where staff meetings are held at irregular and infrequent intervals. In addition to these more practical issues of effective communication, research has shown that different people have different preferences for presentation of information. Some people absorb information better when presented orally, such as during staff meetings, while other employees absorb information better if presented in a colourful brochure

In addition, a formal communication of policies should be implemented in the human resources, or other relevant, handbook held by an organisation, outlining the details of the policy and the responsibilities of both staff and managers.

New employees should be made aware of employment policies during their induction. Ideally these policies should be published in a brochure to provide new employees with ready and easy access to the information.

It is recommended that new or changed policies are reinforced by training managers in how to apply the policies. This would include explaining the possible results of not adhering to the policy; responsibilities of managers, employees and human resources staff; circumstances in which the policy applies; possible deviations; and related policies for reference.

Formality of policies

When introducing new or changing old policies is it important to formalise and document the policies in the organisation's human resources, or other relevant, handbook. Formalising a policy removes doubt about what provisions are available to employees, while documentation in a central place (e.g. in a handbook or a dedicated internet site) makes it easier for employees to find information on policies.

It is recommended to limit the number of informal policies in an organisation. Informal policies are generally made available as one-off arrangements to accommodate unexpected situations for employees. While this could be helpful to a particular employee in the short term, there are some problems associated with informal policies, including:

- the informality of policies means that such arrangements are not publicised and many employees are not aware that they could negotiate such arrangements;
- staff can not plan ahead for the balancing of their work and family responsibilities;
- the ability of employees to negotiate certain arrangements can differ greatly depending on which manager they are negotiating with (e.g. willingness of manager to accommodate employee's needs); and
- when managers are willing to accommodate such needs, the absence of appropriate information on how to implement certain policies might create an obstacle for managers to implement them consistently.

Apart from formalising and documenting policies, employees should have easy access to the handbook or internet site containing the policies. In addition, the guidelines about the policies should be concise and clear, so all employees can easily understand their rights and responsibilities in relation to the available policies.

Workplace culture

Why workplace culture is important?

Making 'work-life balance' policies available is an important step in helping employees balance their work and personal lives. However, these policies will be ineffective when employees feel inhibited or are prevented from using these policies. When introducing policies aimed at helping employees balance their work and personal lives, it is important to ensure that the workplace culture supports employees' use of these policies.

A supportive workplace culture has been associated with a variety of benefits for both employees and employers, including higher levels of affective commitment to the organisation, lower intention to leave the organisation, higher levels of job satisfaction, lower levels of stress and the experience of less conflict between work and family responsibilities.

In addition to the direct positive effects of a supportive workplace culture, perceptions of a supportive workplace culture are associated with greater utilisation rates of work-life balance policies. The culture in the organisation is crucial for determining whether employees will use the policies and their general attitudes towards the organisation. For employees and employers to enjoy the benefits of work-life balance policies, the culture and work environment need to be addressed when implementing such policies.

So, just offering the policies is not sufficient as employees need to feel comfortable using the policies. Both managers and colleagues can make employees feel uncomfortable using benefits. Family-friendly policies will be useless or counterproductive if the work culture does not support them.

How can you change workplace culture?

The development and implementation of policies is a gradual process, which requires dealing with certain behaviours, attitudes and expectations held by employees and management within the organisation.

Three ways of changing workplace culture may include:

- Education and communication
- Getting management behind the culture change
- Changing key values and norms and cultural artefacts

Education and communication

Changing the workplace culture does not happen overnight and requires commitment from both employers and employees. It is important to build consensus for culture change from the top down as well as the bottom up. Education about the importance of work-life balance, the benefits provided by work-life balance policies and the role of workplace culture is necessary to convince managers and front-line employees of the importance of a supportive 'work-life balance' culture.

Discussions between management and staff may increase understanding of mutual expectations and develop solutions to work-life balance issues. Discussions between team members on how they can help each other with work-life balance should be encouraged, as it provides employees with a feeling of ownership of the problem solving process.

Getting managements' support

It is vitally important that both senior and middle management get behind the culture change. Active and visible support from senior management is crucial to the effective introduction of work and family policies. Managers supporting a traditional organisational culture, which emphasises the pursuit of work goals and ignores employees' personal lives, undermine the success of work-life balance policies.

Managers should be a role model for their employees by using work-life balance policies themselves. It is very important that managers use policies in an appropriate way, so employees are given accurate information on how the policy is supposed to work.

For example, under the *Industrial Relations Act 1999*, employees have a right to use up to ten days paid sick leave per year to care and support family or household members who are ill. If a manager then stays at home to care for a sick child, but uses annual leave, he/she sends out a wrong message that while it is OK to stay at home due to caring responsibilities, it should be at the detriment of your own recreational leave. The manager has a right to ten days paid carer's leave and should set the right example, by using the right type of leave.

Attitudes and resistance of middle management and line managers can create significant barriers to employees use and effectiveness of policies. Middle and line managers are particularly important in the change process as they are more directly in touch with the work environment of the employees. Implementation of policies will be more effective if line managers are convinced of the need to implement the policies. Line managers need to know why policies are introduced and how they will improve organisational performance.

Changing key values and norms and cultural artefacts

An important issue that should be addressed when trying to change the workplace culture is the role of so-called "cultural artefacts".

Cultural artefacts are the characteristics of an organisation that reflect and support its workplace culture. The most important cultural artefact is the organisation's key values and norms. Other cultural artefacts are myths and sagas about company

successes and heroes and heroines; symbols, rituals and ceremonies; and use of physical surroundings. It is important when changing the workplace culture, to change the existing cultural artefacts as well. New cultural artefacts can enhance the change process.

One of the most important key values and norms that are likely to undermine work-life balance policies is the belief that work and personal lives should be completely separated. With the increase in dual-earner families, as opposed to the more traditional single-earner families where generally the men work, this is a rather unrealistic expectation. Employees' roles these days are not restricted to either the work or family domain, but they have roles in both these domains which they need to balance. This is a reality for both employers and employees and old traditional values and norms about separating these roles need to be adjusted.

When trying to change the workplace culture, it is most critical to address the key values and norms. It is important for organisations to think about the key values and norms the existing organisational structures and practices communicate to employees.

For example, some organisations may send out messages about the organisation's key values and norms through its reward system. Organisations may indirectly reward **not** using work-life balance policies when they provide rewards purely based on the number of hours worked, instead of employees' outputs and performance. Employees may feel pressured to work long hours out of fear that their career will suffer, making it more difficult to attend to responsibilities in their personal lives.

The organisation could change its reward system by putting a greater focus on output and performance instead of work hours. The organisation could also consider including a statement on the organisation's commitment to work and life balance in the organisation's Value Statements, which outlines the core values, as this may help reinforce work-life balance as a key value of the organisation.

Changing key values and norms may prove very difficult. However, the other cultural artefacts may assist in this process.

To help change the key values and norms of an organisation, consider changing other cultural artefacts such as:

- myths and sagas
- symbols, rituals and ceremonies
- physical surroundings

Myths and sagas:

- A common myth about work-life balance issues is that it is only relevant to women. Educating people about the benefits of these policies for both women and men may help change this common myth.
- Organisations could give profile to people in the organisation who are high performers and who also use the policies to create new heroes and heroines.

Symbols, rituals and ceremonies:

- The organisation could organise some social functions at times suitable for children as well as adults and specifically invite the employees' family members.
- The organisation could introduce awards for managers or supervisors nominated by employees for having provided an environment where both employees' work productivity as well as their personal needs are addressed and enhanced.
- The organisation could have award ceremonies for those employees who are playing an important role in changing the workplace culture.

Use of physical surroundings:

- Allow people to have pictures or other personal objects in their work area.

A final important note for organisations is that culture change requires a tailored approach using processes that are right for the organisation. Also, different customer needs should be taken into account when planning for a cultural change.

Negotiating agreements

Employers seeking to introduce new policies may wish to consider establishing an agreement for their workplace or for a particular employee.

Types of formal agreements

There are **four types** of formal agreements:

- State certified agreements
- Queensland Workplace Agreements (QWAs) (state)
- Federal collective agreements
- Australian Workplace Agreements (AWAs) (federal)

State certified agreements

State certified agreements are agreements negotiated between employers and employees or employers and union(s) and are required to be certified by the Queensland Industrial Relations Commission.

Queensland Workplace Agreements

Queensland Workplace Agreements (QWAs) are made directly between employers and their employees on an individual basis and approved by the Queensland Industrial Relations Commission.

Federal collective agreements

Federal collective agreements include Australian Workplace Agreements, employee collective agreements, union collective agreements, union greenfield agreements

and employer greenfield agreements. These agreements are filed with the Office of the Employment Advocate.

For information on agreements made in the federal system, please refer to the federal Work and Family website.

Australian Workplace Agreements

Australian Workplace Agreements (AWAs) (federal) are made directly between employers and their employees either on an individual or collective basis, and filed with the Office of the Employment Advocate.

Before negotiating an agreement you should consider

Who – Which employees will be covered by the agreement? Are these employees covered by an award or not? If employees are covered by an award, the employer needs to check the relevant provisions under the award before making an agreement. See provisions for award and non-award employees for further information

What – What will need to go into the agreement? Does it pass the no disadvantage test?

When – Is it good timing to be entering into enterprise bargaining? Do your employees need to be educated on new work-life balance policies first?

Where – Do different regions need different agreements to match cultural differences?

Why - Do your new work-life policies necessitate an agreement?

How – Do you need to seek industrial advice?

Making state agreements

The following information is intended to provide a guide only for employers who want to make an agreement under the state system. There are two types of agreements that can be made:

- State certified agreements
- Queensland workplace agreements

State certified agreements

The following information is a guide only and should not be solely relied upon when making a certified agreement. For more detailed information please refer to Chapter 6 of the *Industrial Relations Act 1999* or seek industrial advice.

What can be included in a certified agreement?

The actual content and scope of a certified agreement is up to the negotiating parties to decide. However, it should focus on work arrangements which cater for the needs of both the business and the employees. In this regard, certified agreements need not be limited to traditional industrial relations arrangements.

In developing a certified agreement, the parties are responsible for ensuring the content of the agreement meets all the legal requirements. The Act requires that all certified agreements must include:

- a dispute-resolution procedure; and
- a nominal expiry date for the agreement (a maximum of three years after the date from which the agreement commences to operate)

In addition to this, the Act requires that a certified agreement **must not include**:

- discriminatory provisions; or
- provisions inconsistent with the Act's provisions relating to equal remuneration for work of equal or comparable value, dismissals, freedom of association, or orders or injunctions by the Commission in relation to these matters.

How is a certified agreement made?

The actual negotiations to make a single employer or multi employer certified agreement can take place between:

- the employer and the relevant unions;
- the employer, the employees and the unions requested to negotiate on behalf of member employees;
- the employer and the employees; or
- the employer and a representative employee committee

The proposer of the agreement must give written advice of their intention to begin negotiations to all other proposed parties to the agreement. This must be done at least 14 days before it is proposed to begin negotiations.

Employers must take reasonable steps to ensure that employees understand the terms and conditions of any proposed agreement that will cover their employment before they are asked to approve it. These steps include:

- all employees who will be covered by the agreement must be given a copy of the proposed agreement, or ready access to a copy, at least 14 days before they are asked to approve it;
- the terms of the agreement (including dispute resolution procedures) and their effect must be explained to all employees who will be covered by the agreement; and
- if the agreement is being made directly with employees, they must be informed that they can have their union represent them in negotiations with the employer. If an employee takes up this option the employer must give the union a reasonable opportunity to represent the employee.

The Act requires that the explanation of the agreement is made in a way that is appropriate to employees' particular circumstances and needs. There are four

groups identified in the Act for special consideration – women, persons from a non-English speaking background, young persons and persons with limited literacy and numeracy skills. For example, it would be inappropriate to give only a written explanation of the terms of the agreement to an illiterate person.

A 'valid majority' of employees must approve the agreement. An employer must first give all employees whose employment will be covered by the proposed agreement a reasonable opportunity to decide on whether or not they approve it. To obtain a 'valid majority', a majority of employees who cast a valid vote must vote in favour of approval of the agreement.

When negotiating the terms of a proposed agreement, the proposed parties to the agreement must negotiate in good faith. Examples of good faith in negotiating include:

- agreeing to meet at reasonable times proposed by another party
- attending meetings that the party had agreed to attend
- complying with negotiation procedures agreed to by the parties

How does a certified agreement become legally binding?

To be legally binding, certified agreements must be certified by the Queensland Industrial Relations Commission (QIRC). To be certified the agreement must also satisfy particular requirements. For example, it must:

- have been negotiated/made in accordance with the specific requirements under Chapter 6 in the *Industrial Relations Act 1999* ;
- have the genuine approval of a 'valid majority' of the employees to be covered by the agreement; and
- pass the no-disadvantage test (i.e. a comparison of the entitlements and protections for employees under the agreement with those under the relevant award).

Once certified, agreements are binding on all the parties, i.e. the employer, existing employees and employees employed after the agreement is certified as well as any unions involved.

Employers can obtain further information on negotiating a certified agreement by contacting an employer association. Employees can obtain further information by contacting their union.

Queensland Workplace Agreements (QWA)

The following information is a guide only and should not be solely relied upon when making a Queensland Workplace Agreement. For more detailed information please refer to Chapter 6 of the *Industrial Relations Act 1999* or seek industrial advice.

What can be included in a Queensland Workplace Agreement?

A Queensland Workplace Agreement may cover anything relating to the employees' work (e.g. wages, leave, hours of work, training).

A Queensland Workplace Agreement must include a procedure for settling any disputes that might arise while the agreement is operating. This 'dispute resolution' procedure will set out the steps the employee and employer should follow to resolve problems or issues in the workplace.

A Queensland Workplace Agreement must include matters about not discriminating as provided in the legislation. If it doesn't it will be deemed to include them.

A Queensland Workplace Agreement must state the length of time it will operate. This can be a maximum of three years.

A Queensland Workplace Agreement **must not include** anything that stops you from telling people what is in the agreement.

How is a Queensland Workplace Agreement made?

A Queensland Workplace Agreement may be negotiated directly between the employer and employee. Both parties may also appoint a bargaining agent to be involved in the negotiations.

A Queensland Workplace Agreement can only be made with an employee who is 18 years of age or older.

When making a Queensland Workplace Agreement, the employer must:

- give a copy of the proposed agreement to the employee
- give the employee sufficient time to consider the agreement before they are asked to sign it (at least 14 days for employees already working in the business, or at least 5 days for new employees)
- outline the terms and conditions of the agreement
- explain how the agreement will affect employees' wages and working conditions
- give employees a copy of an information statement (employees already working in the business should receive the statement at least 14 days before they sign the agreement, and new employees should receive it at least 5 days before)

When explaining the working arrangements in a Queensland Workplace Agreement, the employer must consider the needs and circumstances of the employee. Some people may need particular consideration or assistance (for example, young people, women, people from non-English-speaking backgrounds and people with limited literacy or numeracy skills).

An employer must not act unfairly or unreasonably by failing to offer a Queensland Workplace Agreement in the same terms to all employees who are doing the same work.

The employer can not dismiss an employee for refusing to make a Queensland Workplace Agreement.

Getting a Queensland Workplace Agreement approved

A copy of the Queensland Workplace Agreement must be filed with the Industrial Registrar or a District Industrial Inspector within 14 days after the date when the employer and employee signed it.

If the employer has provided all the necessary information with the Queensland Workplace Agreement, he or she will receive a filing receipt. The employee is entitled to a copy of the receipt.

Filing a Queensland Workplace Agreement does not mean that it has been approved. After being filed, the agreement is given to the Queensland Industrial Relations Commission (the Commission) to be approved.

Before approving a Queensland Workplace Agreement, the Commission must ensure it meets all legal requirements. A Queensland workplace agreement must:

- include a dispute-settling procedure
- not be discriminatory
- not include anything that stops the employee or employer from telling what is in the agreement
- be freely entered into – the employee cannot be forced to make a Queensland Workplace Agreement; and
- pass the no-disadvantage test

The purpose of the no-disadvantage test is to make sure that the employee is not worse off under the Queensland Workplace Agreement, that is, the employment conditions (wages and any other arrangements) the employee would have under the Queensland Workplace Agreement are not less than the employment conditions under an award or certified agreement under which the employee would otherwise be employed. The Commission can also take into account employment conditions under the *Industrial Relations Act 1999*. If the employee is not working under an award or agreement, the Commission will nominate an award for the purpose of applying the no-disadvantage test.

Employers can obtain further information on negotiating a Queensland Workplace Agreement by contacting an employer association. Employees can obtain further information by contacting their union.

Evaluation of work-life balance policies

An important part of developing work-life balance policies is to ensure that an evaluation strategy is put in place. Whilst the evaluation phase takes place after the policies have been developed and implemented, it is crucial to prepare for the evaluation of the policies during the development phase.

Examples of questions that may need to be answered in developing an evaluation strategy are:

- What was the organisation trying to achieve in introducing work-life balance policies?

- What are the organisation's goals and objectives?
- What areas need evaluation? Turnover? Absenteeism?
- What can the organisation benchmark against? Internal? External?

Benchmarking:

- **Internal benchmarking:** as outlined under needs assessment it is important to collect base line data on certain indicators, such as levels of absenteeism, retention/turnover and productivity, when introducing work-life balance policies. These base-line levels serve as benchmarks against which any improvements can be measured. It may be a good idea to evaluate these indicator levels at set intervals (e.g. every year) to keep track of any developments.
- **External benchmarking:** this involves the identification of best practices among competitors and non-competitors that make them superior performers.

Small business work-life balance policies

It may be sometimes hard for small business owners to accommodate employees' work-life balance. Implementation of work-life balance policies may be affected by factors such as perceived cost, lack of time and resources to devote to effective implementation, lack of knowledge about suitable initiatives, lack of know-how in setting up flexible work practices, and number of employees.

These factors may form a barrier for small businesses to implement policies. However, these barriers can often be overcome to a greater or lesser extent. There are various initiatives that business owners can undertake that are relatively cheap, easy to implement, and would not limit their capacity to run their business, including:

- consider that an employee may have family commitments when planning meetings, overtime, travel, relocation or planning days
- discuss work, family and life style issues in staff meetings
- inform employees about the child care information service, which is a free state-wide information service provided by the Department of Communities
- provide a list of the child care centres closest to your business
- develop keep-in-touch programs for employees on maternity, parental or any other form of extended leave
- recognise the importance of families by organising open days or social events (e.g. family picnic) that encourage the participation of families
- provide employees with access to a telephone to check on the health and safety of family members
- ensure that employees take their annual leave every year
- introduce **flexible work hours**
- introduce **make-up time** providing employees with the opportunity to attend personal matters without the organisation losing work hours
- allow staff to take some of their annual leave in single days
- discourage employees working on weekends or staying back late if not necessary
- introduce a workplace policy for breastfeeding mothers

- provide information on the organisation's work-life balance policies as part of the induction of new employees

Negotiate work-life balance policies and practices

Work-life balance policies can help people meet the needs of their work and personal life more effectively. Different people may have different needs and subsequently require different solutions.

Provided are some suggested steps on how you can negotiate work-life balance policies and practices in your organisation:

1. Identify your personal and work needs
2. Research your entitlements
3. Find out the benefits of work-life balance policies for your employer
4. Consider what type of arrangement you wish to negotiate
5. Gain support from other employees
6. Prepare a business case
7. Present your case to management
8. Evaluate how any new work-life balance policies are working

Identify your personal and work needs

- What are the problems that you are experiencing in relation to balancing your work and personal life? Which of these problems are most important?
- What work-life balance policies/practices would help you manage your problems better?
- How would using these policies/practices affect your fellow workers and what important work tasks would be most affected?
- Who is best positioned to fill your work role in your absence?
- How could your problems be resolved while minimising the impact in your work area?

Research your entitlements

Find out if your organisation has work-life balance policies:

- The first point of contact to obtain information should be your human resources department or employer
- If you feel uncomfortable asking your human resources department or employer about work-life balance policies, check with a trusted friend at work who may have experience with or knowledge about these policies
- Many organisations have copies of their formal policies/provisions for employees to have a look at
- Your organisation may have formalised their work-life balance policies in an enterprise agreement or award

For information on the details of the award or agreement covering your job, contact Wageline Information Service on 1300 369 945.

Find out about your minimum entitlements and rights:

- To find out about your minimum entitlements under Industrial Relations legislation contact Wageline on 1300 369 945
- To find out about your rights under anti-discrimination legislation contact the Anti-Discrimination Commission Queensland on 1800 130 670; or the Human Rights and Equal Opportunity Commission (federal) on 1300 656 419

Find out the benefits of work-life balance policies for your employer

- Research has shown that helping individuals and families achieve a balance between their work, family and lifestyle commitments can provide benefits for both employers and employees.
- To help your case for introducing certain policies you will need to convince your employer that the proposed policy/policies will not only benefit you, but the employer as well.

Consider what type of arrangement you wish to negotiate

If your organisation does not provide the work-life balance policies/practices that help you meet your work and personal needs, you may want to negotiate an arrangement with your employer which does meet your needs.

Work-life balance arrangements usually appear in three basic forms with varying levels of enforceability. These include:

- informal arrangements;
- formal policies; and
- formal agreements registered or approved by an authority or tribunal.

Informal arrangements

- Informal work arrangements may be one-off or ad-hoc arrangements that are verbally agreed to by the employee and employer and are not registered or approved by an authority or tribunal.
- These work arrangements are often not intended by the parties to be legally binding. However, if they are and there is a dispute over whether these arrangements are enforceable, the courts will attempt to determine whether the parties intended the arrangements to be legally binding or whether the arrangements only apply at the employer's discretion.
- There is a potential for people to be disadvantaged by such ad-hoc work arrangements as people are often less aware of them. This is partly due to the fact that informal arrangements/policies are generally not publicised. A lack of information increases the risk for inequality among employees in their ability to balance work, family and lifestyle commitments. For example, employees who are more assertive might negotiate certain arrangements which are not yet available, while less assertive employees might not feel comfortable

negotiating with their managers and consequently miss out on these arrangements.

- Another problem with informal arrangements lies in the fact that access is negotiated with individual managers. This means that the outcome for an employee does not only depend on his or her negotiating skills, but also on the manager they are negotiating with. Managers might have different views on balancing work, family and lifestyle and the importance of provisions aimed at helping improve balance, which could affect their willingness to accommodate special needs for employees. But even when managers are willing to accommodate such needs, the absence of appropriate information on how to implement certain provisions might create an obstacle for managers to implement them consistently.

Formal policies

- Formal policies include organisational or human resources policies that are documented in writing. These policies are usually not part of enterprise agreements but are used in conjunction with enterprise agreements.
- Employers and employees are generally bound by formal policies or procedures that have been agreed to at the signing of the employment contract.
- Formal policies are enforceable if they are intended by the parties to be legally binding.
- If there is a dispute over whether these policies are enforceable, the courts will attempt to determine whether the parties intended the policies to be legally binding or whether the policies are subject to the employer's discretion.

Formal agreements registered or approved by an authority or tribunal

Formal agreements are written agreements that are registered or approved by an authority or tribunal in either the federal or state workplace relations systems. The terms of these agreements usually override inferior provisions in the employee's contract.

There are four types of formal agreements which are:

- State certified agreements, which are collective agreements, negotiated between employers and employees or employers and union(s) and are required to be certified at the Queensland Industrial Relations Commission ;
- Federal certified agreements, which are collectively negotiated between employers and employees, or between employers and unions and certified by the or Australian Industrial Relations Commission;
- Queensland workplace agreements (QWAs) (state), which are made directly between employers and their employees on an individual basis and approved by the Queensland Industrial Relations Commission; and
- Australian workplace agreements (AWAs) (federal), which are made directly between employers and their employees either on an individual or collective basis, and approved by the Employment Advocate.

Further information is available on how to negotiate agreements or contact your union for further information and support with negotiating formal agreements.

Gain support from other employees

Look for other employees who share your concerns

- If you know a co-worker who has faced a similar problem in relation to balancing work and personal needs, ask them for advice. Did they use any work-life balance policies to deal with the problem? Who did they talk to in order to get access to these policies? Did the policies help them deal with the problem in a better way? What other solutions did they have to deal with the problem?

Start a working group to 'sell' work-life balance issues to management

- Discuss concerns regarding work-life balance to gain a better understanding of the different issues that are relevant to the group members.
- Consider brainstorming sessions to generate possible solutions to any problems the group members may encounter in balancing work, family and lifestyle commitments.
- Recruit employees to the group with specific skills for writing a business case and presenting such a case confidently to management.
- The group should reflect the diversity of your workplace.

Prepare some strategies in response to resistance to change

To effectively address work-life balance issues it is important to gain support from as wide a group of people in your organisation as possible. You should keep in mind that there will always be people who don't share your concerns and therefore don't see the point addressing them. Some people may even feel that certain policies proposed to deal with work-life balance issues may disadvantage them and therefore resist the introduction of such policies.

It is important to address people's views and concerns in a positive way, by giving people the opportunity to voice their concerns and work with them to find mutually acceptable solutions. You should consider:

- **who** in your organisation might be resistant?
- **where** are they located and what is their role in the organisation?
- **what** might their arguments be?
- **how** can you encourage support?

Prepare a business case

- Prepare a business case, report, work plan or schedule, justifying your request for work-life balance policies/practices.

- Describe how these policies/practices will benefit both yourself, other employees and the business/organisation
- Outline your entitlements and rights under industrial relations and anti-discrimination legislation
- Make suggestions of possible options and solutions. Proposals could be accompanied by information and comparisons with similar sized companies, highlighting what they are doing in relation to work-life balance
- You may need to consult with your colleagues and negotiate a period of time in which you will achieve all your desired outcomes

Present your case to management

Meeting the manager

- Arrange to meet with your manager at a time and place where you feel comfortable discussing your work-life balance issues
- Bring a friend, or ask another manager or Human Resources person to attend the meeting. They will provide moral support and can document decisions that are made during the meeting. You may also consider asking your union representative to attend
- Assertive and confident presentation can help to sell your case
- Remain flexible. Understand that your manager is responsible for your entire work group and has many factors to consider

Issues for discussion

- Ask your manager if they see any potential solutions or problems that you haven't considered
- If you are in a small work group you could ask for a trial of new arrangements. Management and staff can evaluate and refine procedures
- Consider a phased approach and suggest a time frame for implementation of the policy that takes into consideration the suggestions made by your colleagues

Employer's discretion

- Remember, the introduction of a new policy that is in addition to the minimum entitlements under the *Industrial Relations Act 1999* (e.g. carer's leave, bereavement leave) or your award, are made at the discretion of the employer
- The employer does not have to agree to its introduction
- If the employer does agree to introduce a new policy they may choose to introduce it in a variety of ways
- For example, the employer can choose to develop an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal

Evaluate how any new work-life balance policies are working

Once the policy has been trialled you may evaluate how the policy is working for you.

- Have the new policies solved your problems with work-life balance?
- How are the policies affecting co-workers and work tasks?
- Have there been any negative feelings from co-workers regarding the changes that need to be managed?

If you have any problems with the new work-life balance policies you should talk with your manager and your human resources department to find out whether and how these problems can be solved. The steps outlined above can help you renegotiate work-life balance policies and practices.

Types of work-life balance provisions

In considering work-life balance policies and processes there are three areas of provisions to consider:

Provisions provided under the *Industrial Relations Act 1999*

Types of leave entitlements applying to all Queensland employees include parental, carer's, bereavement, cultural and annual leave

Provisions for award and non-award employees

Flexible work hour arrangements, time off in lieu (TOIL), rostered days off, make-up time, part-time employment, job sharing, study/training leave, pay averaging, combining leave entitlements, relocation/placement assistance

Provisions provided at employers' discretion

Telecommuting, family room, childcare, parenting or family support program, counselling or referral services, health programs, exercise facilities, leave without pay

Provisions provided under the *Industrial Relations Act 1999*

In Queensland the primary legislation that governs the state industrial relations system is the *Industrial Relations Act 1999*. The Act provides for certain minimum conditions for all Queensland employees regardless of whether or not their employment is covered by an award of agreement.

One of the objectives of the *Industrial Relations Act 1999* is to help balance work and family life. The Act provides for a variety of leave entitlements that apply to all Queensland employees (excluding those covered by federal awards or agreements) which may help them balance their work, family and lifestyle commitments.

These leave entitlements include:

- parental leave
- carer's leave
- bereavement leave
- cultural leave
- annual leave

The *Workplace Relations Act 1996 (Federal)* provides for five minimum entitlements, referred to as the Australian Fair Pay and Conditions Standard, that apply to employees of constitutional corporations. Further information on provisions under the *Workplace Relations Act 1996* can be found on the federal government's Work and Family website.

Parental leave

Parental leave is an entitlement under section 18 of the *Industrial Relations Act 1999*. Parental leave is usually unpaid leave, available when an employee or their spouse gives birth or adopts a child.

Further information is available on parental leave.

Paid parental leave is **not provided** for under the *Industrial Relations Act 1999*. However, paid parental leave is available to Queensland Government employees and increasingly in private sector organisations.

To find out whether your organisation provides paid parental leave, you should contact your human resources department, employer or the Department's Wageline Information Service 1300 369 945.

The Commonwealth government offers:

- A maternity allowance, paid to families following the birth (including stillbirths) or adoption of a baby
- A maternity immunisation allowance, paid for children aged 18-24 months who are fully immunised

For information on eligibility criteria and further benefits for families, please contact Centrelink or the Family Assistance Office.

Carer's leave

Carer's leave is an entitlement under section 39 of the *Industrial Relations Act 1999*. Carer's leave allows employees to use of up to ten days paid sick leave per year to care for and support members of their immediate family, or household, who are ill.

In some instances where leave is accessed to provide care there may be little or no notice prior to the commencement of leave. This can make it difficult for managers to source suitable staff to backfill an employee who has accessed carer's leave. Managers should consider establishing a clearly defined process for backfilling or workload distribution to minimise the impact of employee absences on the work unit.

Further information is available on carer's leave.

Bereavement leave

Bereavement leave is an entitlement under section 40 of the *Industrial Relations Act 1999*. Bereavement leave (also known as compassionate leave) is leave to help employees when there is a death in an employee's immediate family or household in Australia or overseas.

Further information is available on bereavement leave

Cultural leave

Cultural leave is available under section 40A of the *Industrial Relations Act 1999*. An employee who is required by Aboriginal tradition or Island custom to attend an Aboriginal or Torres Strait Islander ceremony may take up to 5 days unpaid cultural leave in each year, subject to the employer's agreement, which must not be unreasonably refused. Cultural leave is available for employees to meet traditional law, custom, cultural and family obligations, or to participate in ceremonial, cultural and religious activities.

Eligibility

An employee who is required by Aboriginal tradition or Island custom to attend an Aboriginal or Torres Strait Islander ceremony is entitled to unpaid cultural leave.

Although cultural leave can only be taken with the approval of the employer, the employer must not unreasonably refuse the employee's request.

The employee must, if practicable, give the employer:

- reasonable notice of the intention to take cultural leave before taking the leave;

- the reason for taking the leave; and
- the period that the employee estimates he/she will be absent

If it is not practicable for the employee to give the notice before taking the leave, at the first opportunity the employee must notify the employer of:

- the reason for taking the leave; and
- the period that the employee estimates he/she will be absent

In considering the employee's request for leave, the employer must consider at least the following:

- the employer's capacity to reorganise work arrangements to accommodate the employee's request
- the impact of the employee's absence on the delivery of customer service;
- the particular circumstances of the employee
- the impact of a refusal on the employee, including the employee's ability to balance his or her work and family responsibilities

The employer must not unreasonably refuse the employee's application for leave.

Annual leave

Annual leave is provided as an entitlement under section 11 of the *Industrial Relations Act 1999*. Annual leave (or recreation leave) is paid leave that employees receive for each completed year of employment.

In some instances where an employee takes annual leave, it may be difficult for managers to source suitable staff to backfill the employee. Managers should consider establishing a clearly defined process for backfilling or workload distribution to minimise the impact of employee absences on the work unit.

Further information is available on annual leave.

Provisions for award and non-award employees

All awards and agreements are different and employees should be careful that they are referring to the correct award when trying to assess their entitlements. Whilst the name of the award or agreement may provide some guide, employees need to read the application clause in conjunction with the classification and definition clauses in the award or agreement to assist in deciding whether they have the correct document. To find out the correct award or certified agreement, please access the search engine for awards on Wageline or call Wageline on 1300 369 945.

The *Workplace Relations Act 1996 (Federal)* provides for five minimum entitlements, referred to as the Australian Fair Pay and Conditions Standard, that apply to employees of constitutional corporations. Further information on provisions under the *Workplace Relations Act 1996* can be found on the Work and Family website.

Further information is available on awards and other industrial instruments.

There are a variety of work provisions that can be introduced into the workplace to help employees balance work, family and lifestyle responsibilities depending on the award coverage of the employee. These include:

Flexible work hours

Flexible starting and finishing times

Time off in lieu (TOIL)

Accumulate extra hours and take off later

Rostered days off (RDO)

Work additional hours to accrue hours for day off

Make-up time

Take time off during ordinary hours and work those hours at a later time

Part-time employment

Permanent contract work, working less than full time equivalent

Job sharing

Sharing one full-time job with each employee working part-time

Study or training leave

Paid or unpaid leave to study or undertake training

Pay averaging for purchasing additional annual leave

Take extra leave each year by pay averaging

Combining leave entitlements

Combine your leave entitlements such as annual, sick and carer's leave

Relocation or placement assistance

Assistance for employees who relocate for work purposes

Flexible work hours

Description

Flexible work hours allow employees flexible start and finish times, providing they work their required hours. Employers could prescribe core hours of the day when employees have to be at work and give employees flexibility within the non-core hours at the beginning and end of the day. Such flexibility allows employees to meet regular or unexpected family commitments during non-core hours without penalties.

Eligibility for award employees

It is important that employees and employers are aware of the current provisions under their relevant award in regard to hours of work and overtime. The 'hours of work' clause in an award states the maximum number of hours an employee can work per week and per day, without receiving overtime payments. These hours are called 'ordinary hours' and the awards specify the earliest starting time and latest finishing time for ordinary hours. When negotiating flexible work hours it is important to be aware that the proposed flexible hours may conflict with the awards 'ordinary hours'.

For example, under the *Clerical Employees Award-State 2002*, ordinary hours may be worked between 6.30 a.m. and 6.30 p.m. on Mondays to Fridays (inclusive), and between 6.30 a.m. and 12.30 p.m. on Saturdays. If employers or employees wanted a flexible arrangement that allows employees to start earlier than 6:30 a.m. or finish later than 6:30 p.m then overtime payments would be due. If employers want to formulate a flexible work practice that does not involve overtime, employers may wish to form a certified agreement.

Eligibility for non-award employees

Flexible work hours are not provided for under the *Industrial Relations Act 1999* and must be negotiated with and approved by the employer. However, provisions that are not entitlements under the Act may still be available in your organisation. Contact your human resources department or employer to find out what provisions are available to you.

Time off in lieu (TOIL)

Description

Time off in lieu (TOIL) allows employees to accumulate any extra hours they have worked to take time off, instead of payment, at a time which is convenient to the employer and employee. Employees are generally given the equivalent time off on an hour for hour basis for the additional hours.

Eligibility for award employees

Eligibility is dependant on whether an award makes a provision for TOIL. If there is no specification for the entitlement of TOIL under the award, employers may wish to consider registering TOIL agreements through a certified agreement.

A state agreement must pass the no-disadvantage test. That is, it does not disadvantage employees in relation to their employment conditions. For a federal agreement to be approved it has to meet the Australian Fair Pay and Conditions Standard.

Eligibility for non-award employees

Employers are free to make flexible work arrangements and introduce them after consultation with employees. There are no restrictions or obligations for Time off in Lieu for non-award employees. However, employers may be mindful of work, family and lifestyle responsibilities of their employees when considering such provisions.

Employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Rostered days off (RDO)

Description

Rostered days off allow employees to work additional hours during the week in order to accrue sufficient hours to have a rostered day off in a work cycle once a fortnight (i.e. nine-day fortnight arrangement) or once a month (i.e. nineteen-day month arrangement). Employees keep working hours at a reasonable level, while having some flexibility in working hours.

For example, an employee is required to work a 36 hours week. On a nine-day fortnight arrangement, the employee would have to work 72 hours (2 X 36) in nine days. This means that instead of 7 hours and 12 minutes per day, they would have to work an extra 48 minutes adding up to 8 hours per day. In return they would get one day off every fortnight.

Eligibility for Award employees

Eligibility is dependant on whether an award provides for rostered days off. Employers should also be aware of any requirements for RDOs in awards. For example, some awards require employees to accrue hours at an overtime rate. This may mean that if an employee works one hour overtime they actually accrue 1.5 hours paid time off.

Rostered days off are only compatible with part-time or full-time work performed on a non-casual basis. Since casual work is paid by the hour it is not possible to implement a rostered days off system.

Eligibility for non-Award employees

Employers are free to make flexible work arrangements and introduce them after consultation with employees. There are no restrictions or obligations for RDO's for non-award employees. However, employers may be mindful of work, family and lifestyle responsibilities of their employees when considering such provisions.

Employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Make-up time

Description

Make-up time allows employees to take time off during ordinary hours and work those hours at a later time, during the spread of ordinary hours and at ordinary rates.

This option provides an alternative for employees who need to take time off but have no leave available to cover their absence.

Eligibility for Award employees

Eligibility is dependant on whether an award provides for make-up time. If an award is subject to the family leave award then make-up time is available for parental leave purposes.

Section 3.5 of the *Family Leave Award 2003* outlines the following provisions for make-up time:

- 3.5.1 - an employee may elect, with the consent of their employer, to work "make-up time", under which the employee takes time off ordinary hours, and works those hours at a later time, during the spread of ordinary hours provided in the parent Award, at ordinary rates
- 3.5.2 - an employee on shift work may elect, with the consent of their employer, to work make-up time under which the employee takes time off ordinary hours and works those hours at a later time, at the shift rate which would have been applicable to the hours taken off

Eligibility for non-Award employees

Employers are free to make flexible work arrangements and introduce them after consultation with employees. There are no restrictions or obligations for make-up time for non-award employees. However, employers may be mindful of work, family and lifestyle responsibilities of their employees when considering such provisions.

Employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Part-time employment

Description

Part-time employees are historically persons on a permanent contract who work less than the full-time hours set out in an award or agreement. Generally, part-time work is defined as work involving less than 35 hours per week and part-time arrangements can vary considerably in the number of work hours.

Eligibility for Award employees

Most awards provide for part-time arrangements. The definition of a part-time employee varies from award to award.

- The *Retail Industry Award* defines a part-time employee as an employee who is engaged as such and who is employed for not less than 12 hours per week and not more than 32 hours per week.
- The *Furniture and Allied Trade Award* defines a part-time employee as a weekly employee who is engaged to work for a regular number of hours, being more than 10 but less than 38 hours per week.

Eligibility for non-Award employees

Employers are free to make flexible work arrangements and introduce them after consultation with employees. There are no restrictions or obligations for part-time work arrangements for non-award employees. However, employers may be mindful of work, family and lifestyle responsibilities of their employees when considering such provisions.

Employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Job sharing

Description

Job sharing involves two or more employees making a voluntary agreement, with approval from their respective manager, to share one full-time job, with each employee working part-time. It is a form of part-time work that might be viable when ordinary part-time work is not, such as when a job needs to be filled on a full-time basis though not necessarily by one person.

The duties and responsibilities for job sharers may be split either vertically (each job sharer performing all the duties and responsibilities on a part-time basis), or horizontally (each job sharer is given defined duties and responsibilities). Where the job has been split horizontally, care should be taken to ensure that job sharers performing duties and responsibilities for a long period of time are not limited in using their skills.

Eligibility for Award employees

Employers and employees must check their award for the minimum hours an employee can work as a part-time employee. To find out the correct award or certified agreement, please access the search engine for awards on Wageline or call Wageline on 1300 369 945.

For example, under the *Clerical Employees Award-State 2002*, the minimum hours a part time employee can work is 15.2 hours per week. An employee covered by this award and in a job share arrangement where they work 14 hours per week, would not come under the classification of part-time employee under this award and would have to be employed as a casual employee.

Eligibility for non-Award employees

Job sharing is not provided for under the *Industrial Relations Act 1999* and must be negotiated with and approved by the employer. Employers and employees may negotiate an informal agreement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

What employers should know or do

Employees sharing a job must be able to work as a team and communicate effectively to ensure the work is performed in an efficient and timely matter.

For the job to be effectively performed, communication between job sharers, management and other employees is crucial to ensure that tasks are performed in time and without duplication. Poor communication can result in the arrangement falling apart and may result in declining productivity. The communication means used between job sharers are best left to the job sharers themselves, but a log book containing a written record of all relevant developments during a day is a common approach.

A performance agreement, as part of the normal performance management process, is a useful mechanism for clearly defining the expectations of both the job share employee and the employer. This agreement can provide a framework for managing each individual's contribution to the job share arrangement.

Study or training leave

Description

Study or training leave provides employees with paid or unpaid leave to study or undertake training that is relevant to their current position. Study or training leave may be provided for in some agreements.

There are a variety of ways in which an organisation may provide this type of leave:

- Employees who attend training courses that are relevant to the current job may receive study leave on full pay during their attendance and the course may be paid for in part or full by the employer.
- For employees who undertake tertiary study or research that relates to their current job, leave with partial or full pay may be granted for attendance at lectures or examinations, including travel time. Study leave without pay may be granted to prepare for examinations or complete other course assessment requirements.
- In addition, partial or full reimbursement of HECS (Higher Education Contribution Scheme) and other tuition fees may be granted, and other expenses including travel to and from the institute, lecture notes and textbooks may also be reimbursed.

Eligibility for Award employees

Some awards make provisions for study/training leave. Employees can check their relevant award. To find out the correct award or certified agreement, please access the search engine for awards on Wageline or call Wageline on 1300 369 945. If the award does not provide for study or training leave, please refer to the eligibility section for non-award employees.

Eligibility for non-Award employees

Study or training leave is not provided for under the *Industrial Relations Act 1999* and must be negotiated with and approved by the employer. Employers and employees may negotiate an informal agreement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Eligibility for apprentices and trainees

Section 392 of the *Industrial Relations Act 1999* covers the issue of paying an apprentice or trainee for supervised training. Supervised training for an apprentice or

trainee means training up to the maximum period required under the *Vocational Education, Training and Employment Act 2000*, which is to be delivered by a supervising registered training organisation during the apprenticeship or traineeship.

Pay averaging for purchasing additional annual leave

Description

Eligibility for Award employees

Eligibility for non-Award employees

What employers should know or do

Description

This provision allows employees to take extra leave each year by pay averaging, so that an employee has more leave but is paid at a corresponding lower amount of pay across the year. Employees receive a proportionate salary over a full 12 month period, which amounts to extra unpaid leave in a year.

For example:

- if a 48/52 arrangement was negotiated, the employee could work 44 weeks in the year, take four weeks annual leave, and take four weeks unpaid leave. Throughout the year the employee would receive a reduced rate of pay based on 48 weeks of pay that has been averaged over the year (i.e. 52 weeks)
- Employees may negotiate other arrangements, including 46/52 pay averaging

This arrangement allows employees who care for children to take time off during school holidays or employees who need additional study time to schedule the additional leave to coincide with examinations or other study requirements.

Eligibility for Award employees

Pay averaging for purchasing additional leave is not provided for under the [Industrial Relations Act 1999](#) (PDF, 1.9 mB), and must be negotiated with and approved by the employer in a [certified agreement](#). A state agreement must pass the no-disadvantage test. That is, it does not disadvantage employees in relation to their employment conditions. For a federal agreement to be approved it must meet the Australian Fair Pay and Conditions Standard.

Eligibility for non-Award employees

For non-award employees the main concern is that each employee receives the [Queensland Minimum Wage](#) (QMW). If after the pay averaging occurs the employee still remains above the QMW, then the non-award employee may negotiate for this provision.

What employers should know or do

- Extra leave for proportionate salary arrangements should be negotiated on a yearly basis. The arrangements should be negotiated with and agreed to by the employer and recorded in writing, and may be altered by agreement between the employer and employee at any time.

- Work scheduling may be more difficult if a large number of employees request leave at the same time. It may also be harder to balance employee needs with client service demands in some work units.
- When introducing this type of arrangement, it is important to consider the impact on the organisation of possible losses of productivity or client contact time.

Combining leave entitlements

Description

Employees may combine their leave entitlements such as annual, sick and carer's leave, thus creating a larger pool of accumulated leave to accommodate certain personal or family needs. For example, if an employee covered by the *Family Leave Award 2003* needs more carer's leave for family reasons than is available (generally five days), employees may use their sick leave entitlement instead.

Eligibility for Award and non-Award employees

Combining leave entitlements is not provided for under the *Industrial Relations Act 1999* and must be negotiated with and approved by the employer. However, provisions that are not entitlements under the Act may still be available in your organisation. Contact your human resources department or employer to find out what policies are available to you. Alternatively, a certified agreement could be set up. A state agreement must pass a no-disadvantage test when compared to the relevant award. For federal agreements to be approved it has to meet the Australian Fair Pay and Conditions Standard.

Relocation or placement assistance

Description

Employers may ask employees to relocate for work purposes. In some cases the organisation may assist with the move. The organisation may provide financial assistance including:

- time off on full or partial pay to complete the move
- part or full payment for travel fares (or fuel allowance if travelling by car)
- part or full payment of accommodation expenses during the journey to the new location
- part or full payment for accommodation and food for a certain period of time
- part or full payment for removalists

Eligibility for Award employees

Some awards make provisions for relocation or placement assistance, such as the *Engineering Award State 2002*. Provisions that may be found include:

- paid travelling time when travelling between localities
- reasonable accommodation expenses for a specified period
- Expenses will cease when the employee has found an alternative residence

Where an award does not provide for relocation or placement assistance, then the terms and conditions of the assistance need to be negotiated.

Eligibility for non-Award employees

Employers are free to make provisions for relocation assistance and introduce them after consultation with employees. There are no restrictions or obligations for relocation assistance for non-award employees. However, employers may be mindful of work, family and lifestyle responsibilities of their employees when considering such provisions.

Employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Provisions provided at employers' discretion

What are employees entitled to?

Entitlements under the *Industrial Relations Act 1999*, provisions are discretionary for employers

How employers may introduce a provision

Provisions can be introduced in three ways: informal arrangement, formal policy, formal agreement registered or approved by an authority or tribunal

Types of provisions

Types of provisions include telecommuting, family room, employer assistance with childcare, parenting or family support program, counselling or referral services for employees, health programs, exercise facilities, leave without pay

What are employees entitled to?

Employees have certain entitlements under the *Industrial Relations Act 1999* and access to certain provisions if these are provided for in the award or agreement which may cover their job.

However, there are a number of provisions which are not covered under the *Industrial Relations Act 1999* and which are generally not provided for in awards (with some exceptions). The introduction of any such provision in the workplace is a discretionary matter for the employer, which means that:

- the employer does not have to introduce such a provision
- if the employer does decide to introduce such a provision, they may choose to introduce it in a variety of ways

How employers may introduce a provision

There are three ways an employer may introduce a provision:

- Informal arrangement
- Formal policy
- Formal agreement registered or approved by an authority or tribunal

Informal arrangement

- Informal work arrangements may be one-off or ad-hoc arrangements that are verbally agreed to by the employee and employer and are not registered or approved by an authority or tribunal
- These work arrangements are often not intended by the parties to be legally binding. However, if they are and there is a dispute over whether these arrangements are enforceable, the courts will attempt to determine whether the parties intended the arrangements to be legally binding or whether the arrangements only apply at the employer's discretion

Formal policy

- Formal policies include organisational or human resources policies that are documented in writing. These policies are usually not part of enterprise agreements but are used in conjunction with enterprise agreements
- Employers and employees are generally bound by formal policies or procedures that have been agreed to at the signing of the employment contract
- Formal policies are enforceable if they are intended by the parties to be legally binding
- If there is a dispute over whether these policies are enforceable, the courts will attempt to determine whether the parties intended the policies to be legally binding or whether the policies are subject to the employer's discretion

Formal agreement registered or approved by an authority or tribunal

- Formal agreements are written agreements that are registered or approved by an authority or tribunal in either the federal or state workplace relations systems. The terms of these agreements usually override inferior provisions in the employee's contract. There are two types of agreements in Queensland, including certified agreement and Queensland Workplace Agreements (QWA)

Types of provisions

Provisions which are not covered under the *Industrial Relations Act 1999* and which are generally not provided for in awards (with some exceptions) include:

Telecommuting/working outside the central workplace

Description

Telecommuting is a workplace initiative that allows employees to work from home or outside of the central workplace using their own or the organisation's equipment. Telecommuting can be done on a full-time or part-time basis, with the employee often spending some part of the week working in the central workplace office.

Eligibility

Telecommuting is **not** provided for under the *Industrial Relations Act 1999*, and is generally not provided for in awards (with some exceptions). This means that a telecommuting arrangement must be negotiated with the employer, who may approve it.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal agreement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

What employees should know or do

Sometimes jobs are not compatible with a telecommuting arrangement. These may include:

- jobs where the employee's performance can only be measured by their presence in the workplace
- jobs where the employee may need to be consulted by other employees on a regular basis or involve a high level of collaboration
- jobs that require certain equipment unsuitable for the home environment (e.g. production line work)

Working from home may entitle an employee to claim certain tax deductions for work related expenses such as:

- for heating, air conditioning, lighting
- for increased home contents and public liability insurance cover

- for other expenses, such as improving home security to ensure the organisation's property (e.g. equipment, documents) is secure

The telecommuter should obtain independent advice from a professional tax advisor regarding deductions and other issues of taxation applicable to telecommuting.

What employers should know or do

When establishing a telecommuting arrangement, there are a number of issues that need to be discussed and negotiated:

- Who will provide the equipment?
- How much are the set-up costs?
- How will work related expenses be reimbursed?
- Award and agreement obligations
- Workplace health and safety requirements
- Insurance issues
- Monitoring performance and productivity
- Communication with management and colleagues
- Letter of agreement between employer and telecommuter

Who will provide the equipment needed to perform the work

Normally, the organisation is responsible for the provision and maintenance of equipment, furniture and supplies, although the employer and the telecommuter may agree on alternative arrangements if appropriate. An agreed equipment and assets list should also be included in a letter of agreement between employer and employee.

How much are the set-up costs?

Equipment requirements for each telecommuting arrangement are determined by the activities to be undertaken. Therefore the set up and ongoing costs vary from one telecommuting arrangement to the next. Purchasing new equipment and furniture could range from \$5,000 to \$8,000. However, an employer can minimise such costs by allocating existing surplus furniture, or hiring equipment (depending on the duration of the telecommuting arrangement).

In some cases the employee can provide their own office furniture or equipment, which would decrease the costs for setting up the office.

Additional ongoing costs are generally for telephone and communication charges, such as additional phone line(s) and equipment rental charges and remote access charges (Internet). These costs are generally minimal.

How will work related expenses be reimbursed?

A “no-disadvantage” test can be applied, on a case by case basis, which balances the expenses incurred by the individual telecommuter as a result of telecommuting against the benefits gained by the individual. The employer may reimburse employees under certain circumstances where the costs incurred are rather high, for example, where employees regularly need to make long distance or overseas calls as part of their work activities.

Working from home may entitle an employee to claim certain tax deductions for work related expenses such as:

- For heating, air conditioning, lighting
- For increased home contents and public liability insurance cover
- For other expenses, such as improving home security to ensure the organisation’s property (e.g. equipment, documents) is secure

The telecommuter should obtain independent advice from a professional tax advisor regarding deductions and other issues of taxation applicable to telecommuting.

Award and agreement obligations

When developing a telecommuting arrangement, the employer must take into account the relevant provisions of any applicable industrial instrument such as an award, certified agreement or individual agreement. This arrangement may be introduced where the applicable industrial instruments accommodate such an employment arrangement. If such an arrangement is not accommodated, organisations may have facilitative provisions available within their relevant industrial instruments that provide for alterations where agreement is reached between management and the majority of employees affected.

Workplace health and safety requirements

Workplace health and safety responsibilities for both the employer and individual telecommuter apply as at the central workplace. This should include a workplace health and safety audit being completed on the designated telecommuter workplace, ongoing audit/inspection access as required and the designated workplace being maintained by the telecommuter to a safe standard as required by existing legislation and regulations. The telecommuter should notify the organisation of any work related incident, accident, injury, or illness while telecommuting.

Insurance issues

Workers' compensation insurance only applies to the actual worker. Any accidents occurring at the designated office (which has become the workplace during certain hours) that involve other people who are not workers at the organisation are not covered by workers compensation.

For the safety of the employee and the security of the employer’s property, it is recommended that clients are not invited to the designated office, but rather meetings be arranged at the central workplace. However, if it is necessary to see clients at the designated office, public liability insurance is important. There are two options here for employers, including:

- Organisations should have public liability in their workplace, so they could discuss with their insurer how they could extend this to the telecommuting arrangement.
- Have the employee take out public liability insurance naming the employer as co-insured. If the employee already has public liability insurance relating to their home, the employee must check with their insurance provider to determine whether their policy is still valid under telecommuting arrangements. The employee should maintain the policy for the duration of the telecommuting arrangement.

A higher premium may be required by the insurance company to cover such circumstances. Payment of any costs should be discussed between the employer and telecommuter.

Monitoring performance and productivity

Management of outputs, outcomes, and results measurement should be agreed and documented on a regular basis by the employer and telecommuter in line with agreed performance indicators.

Communication with management and colleagues

The decreased physical access to the workplace may result in the employee experiencing feelings of isolation. Regular contact with the workplace needs to be maintained to ensure that the employee is kept "in the loop" and actively involved with developments in the workplace to ensure they continue to have access to career and development opportunities.

If an employee will be working from home, or other designated place outside the central workplace on an ongoing basis, arrangements could be made for the employee to come into the office for at least a few hours each week or fortnight for staff meetings or progress meetings with supervisors. Alternatively supervisors can regularly meet with the employee in their homes.

Letter of agreement between employer and telecommuter

The terms of the agreement, including all working arrangements/conditions and the issues outlined above, should be detailed in a letter of agreement signed by both the telecommuter and their manager before the arrangement commences.

Employee benefits and conditions, including pay, leave, employment security, training and career development activities and the provision of relevant organisational information, must be maintained for telecommuters in a non-discriminatory manner.

Family room

Description

A family room is a clean and private area at the workplace available to employees for emergencies, for example, when employees need to care for a child or a dependant person who is recovering from a non-contagious illness, or if care arrangements break down. This room may also be made available for employees who need to breastfeed or express milk.

This room could include kitchen facilities, a computer, telephone and usual office set-up, a cot, sofa bed, television, video and toys.

Eligibility

The establishment of a family room is **not** provided for under the *Industrial Relations Act 1999* and is generally not provided for in awards. This means that the establishment of a family room must be negotiated with the employer, who may approve it.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

What employees should know or do

When establishing a family room, there are a couple of issues that need to be addressed.

Insurance issues

Workers' compensation insurance only applies to the actual worker. Any accidents occurring in the family room that involve other people who are not workers at the organisation (e.g. the children that need to be cared for) are not covered by workers compensation.

Organisations should have public liability in their workplace, so the employer could discuss with their insurer whether this would cover any accidents that may occur in the family room.

Workplace health and safety

In establishing a family room, the workplace health and safety of children and young people who are being cared for in the family room must be considered. In Queensland, the *Workplace Health and Safety Act 1995* provides for the protection of all people at workplaces, including children and young people who are working, as well as children and young people who are in a workplace for any other reason. Workplace health and safety responsibilities apply to the family room as they apply to the rest of the workplace.

As part of ensuring a safe workplace, the employer should ensure a risk management process is undertaken to manage the risks to children and young people who may visit the family room. For example, computer and electrical equipment should be tested for safety.

As part of establishing a family room, the employer should develop a procedure that defines when the room can be used and for what purpose, and this should be communicated to all workers. If children and young people will be at a workplace, there should be clear ground rules about entry and supervision. Physical barriers, such as locked cupboards and storage areas minimise exposure to the risk for children and young people visiting the workplace.

An employee should notify the organisation of any work related incident, accident or injury that occurs while using the family room. After the family room is established, workplace health and safety officers are required by the *Workplace Health and Safety Act 1995* to conduct an assessment at the workplace, at least annually, to identify any hazards and unsafe or unsatisfactory workplace health and safety.

Employer assistance with childcare

Description

- Employers are able to assist employees with childcare without any costs by informing them of the Child Care Information Service, which is a free state-wide information service provided by the Department of Communities. The service operates from 8.30am to 5pm from Monday to Friday, and assists families in choosing child care that meets their needs by providing information on:
 - the types of child care services available
 - the location, hours of operation, and contact details for services
 - information on what to look for in a quality service
 - information for developers and the child care industry about developing child care services
- On the website of the Department of Communities, the child care services search enables parents to search for and locate child care or early education services in Queensland. You can either search for all the child care and early education services in a given area, such as near your home or work, or search for a particular child care service by postcode, suburb/town, child's age, setting or type of care. The Department of Communities website provides a number of other resources for parents and carers (e.g. guide for choosing quality child care, information on settling children into childcare) to help parents with child care.
- Employers can also establish their own centre, or combine in a joint venture with other employers, local government or an experienced child care provider. In this way, employers can better tailor the service to meet the needs of their employees

- Access to a family room would also enable employees to bring their children to work if child care arrangements break down or for other emergencies

Eligibility

Employer assistance with childcare is **not** provided for under the *Industrial Relations Act 1999* and is generally not provided for in awards.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Parenting or family support program

Description

Employers may provide employees who are parents with a formal educational program about parenting. Employers could arrange presentations and referrals to established parenting programs, such as the Triple P (Positive Parenting Program) which was developed by the University of Queensland. The Positive Parenting Program provides parents with information to help them become positive and assertive parents and can be accessed by contacting the Parenting and Family Support Centre directly on (07) 3365 7290. There are programs available for parents of children (0-12 years) and teenagers (10-16 years) in either an individual or group format.

Seminars can also be conducted in the workplace, Triple P can do seminars on parenting that provide parents with an introduction to Triple P as well as some tips to help them manage common concerns with children's behaviour. They charge \$300 for a 90 minute seminar (which includes question time). They accept referrals from parents for either individual sessions or the group Triple P. Parents are charged \$45 per session (1 hour in length) to see a psychologist for individual consultations or they can take part in a group program for \$300 per family.

Organisations to assist

Employers could also provide employees with contact information of organisations that provide advice on parenting, child health and family support. Some of these are listed below.

The Department of Communities provides information resources about child care, an information sheet with helpful contacts for families (e.g. family payments, family support services) and tips on discipline for teenagers.

Queensland Health Community Child Health Service provides information for parents and carers on child advocacy, child development, child health, parenting, nutrition and common conditions. Various programs are available which provide education and support, including a residential care centre.

The service includes a searchable list of Child Health Clinics across Queensland and links to Immunisation Clinics.

- Parentline (1300 30 1300) is a confidential telephone counselling service aimed at providing professional counselling and support for parents and all persons who care for children. Information is available on what to expect as children develop into young adults, how to manage unexpected problems with the children and how to work out strategies to manage long term problems with children
- dvconnect is a state-wide telephone service for counselling and support on domestic and family violence matters. dvconnect is comprised of three services: dvconnect womensline, dvconnect serviceline, and dvconnect mensline:
 - dvconnect womensline (1800 811 811) provides a 24 hour, 7 day a week service to women and their children experiencing domestic and/or family violence. The service provides crisis intervention, support, information, advocacy, counselling, referrals and the state-wide coordination of emergency refuge and shelter placements across Queensland
 - dvconnect serviceline operates in conjunction with dvconnect womensline and provides immediate access for related service professionals such as the Police Service, hospital emergency departments and refuge staff to contact dvconnect. This service is accessed by a '1300' number (available to service professionals on request), during business hours, serviced by a specialised worker; and is managed after hours by the 24 hour domestic violence counsellors
 - dvconnect mensline (1800 600 636 10am - 6pm Monday to Friday) is staffed by male counsellors who provide professional counselling and information to men who are seeking strategies to address their own use of violence and other destructive patterns in their personal lives and relationships. The service also assists those who may be (or have been) victims of violence themselves, family members, parents and friends. In addition, dvconnect mensline acts as a point of referral for men on issues of domestic and family violence, relationship problems and other significant issues for men and maintains a data base of state-wide services, groups, courses and conferences are able to direct callers to services in their local areas for ongoing support
- Mensline Australia (1300 789 978) supports men who are dealing with family and relationship difficulties, particularly surrounding family break-down or separation. Mensline Australia provides confidential, professional and non-judgmental short-term telephone counselling, support and referral to local services and relationship coaching and practical strategies for managing difficult situations. The service is also available for women and children who are concerned about a male family member, partner or friend

Eligibility

The establishment of parenting or family support program is **not** provided for under the *Industrial Relations Act 1999* and is generally not provided for in awards.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Counselling or referral services

Description

Counselling or referral services in an organisation are often available to assist employees in resolving problems which may affect their work performance and job satisfaction.

Such a service may be provided for a variety of personal or work related problems, including:

- anxiety, depression, and general emotional problems
- workplace conflict
- coping with organisational change
- career counselling
- workplace stress and burnout
- misuse of alcohol or drugs
- grief and bereavement
- interpersonal relationship issues
- marriage and family relationship difficulties

Eligibility

The establishment of a counselling or referral service is **not** provided for under the *Industrial Relations Act 1999* and is generally not provided for in awards. This means that the establishment of counselling or referral services must be negotiated with the employer, who may approve it.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal agreement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

What employers should know or do

Ideally, a counselling or referral service should operate independently of other business units in the organisation to ensure privacy and confidentiality for employees.

Health programs

Health programs are generally available to provide information and support to reinforce better health among employees. Health programs could include the following:

- health risk assessments
- health information sheets
- health newsletters
- rehabilitation services or programs
- subsidised vaccinations (e.g. flu shots)
- corporate membership for private health insurance (e.g. the employer could negotiate lower premiums with health insurance providers)

Health programs are **not** provided for under the *Industrial Relations Act 1999* and are generally not provided for in awards. This means that a health program must be negotiated with the employer, who may approve it.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal agreement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Exercise facilities

The organisation may provide their employees access to a range of exercise facilities.

For example:

- group activities could be coordinated for employees that take place during lunch time and before and after work, such as pilates, boot camp and yoga
- the organisation could offer employees corporate gym memberships which would be cheaper than the usual gym memberships and might encourage employees to join the gym
- employers could encourage participation in fun runs that have reduced entry fees when the workplace enters a team or high number of competitors

Exercise facilities are **not** provided for under the *Industrial Relations Act 1999* and are generally not provided for in awards. This means that exercise facilities must be negotiated with the employer, who may approve them.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal agreement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

Leave without pay

Leave without pay allows employees to take an approved amount of unpaid time off work for any reason.

Eligibility

Leave without pay is **not** provided for under the *Industrial Relations Act 1999* and is generally not provided for in awards. This means that leave without pay must be negotiated with the employer, who may approve it.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal arrangement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

What employers should know or do

Even though the leave is unpaid, there may still be additional costs that managers need to consider in terms of recruiting staff to back-fill employees who are accessing leave without pay for long periods. Also there is a possibility of annual leave still accruing during leave without pay (contact Wageline Information Centre for more information). Therefore, managers may need to factor in any significant periods of leave without pay into their resource and financial planning.

Mature-aged employment

The changing labour force

Australia is facing a decline in labour force growth in the next 50 years. This decline is related to two factors including:

- projected decline in population growth, specifically in the working-age population
- projected decline in the labour force participation rate

The most important contributing factor in the **decline in population growth** is the long-term decline in the fertility rate. This means the proportion of younger age groups in the population decreases, which leads to a higher concentration of the population in the older age groups. This effect is intensified by increased life expectancy which has led to an increase in the average age of the population.

According to (federal) Budget Paper No.5 released by the Commonwealth Treasury in May 2002, the participation rate for all persons aged 15 and over (including those 65 and over) is expected to remain steady until 2007-08.

There will be a **decline in the labour force participation rate** by the second half of the 2030s. This decline reflects the increase in the proportion of persons 65 and over and their low historical participation rates.

The shift in the population age distribution towards older ages has significant economic implications. Public expenditure on services for older people (e.g. health and aged care) can be expected to increase, while the size of the working age population supporting these services will decrease.

The ageing of the population means an increase in the **dependency ratio**, which is the number of children aged 0 - 14 years and persons aged 65 and over per 100 persons of working age (15 - 64). An increasing dependency ratio indicates that the proportion of people of working age relative to the population of non-working age is decreasing.

While Australia's dependency ratio has fallen from 53.5 to 49.1 over the past 20 years, in the next 50 years the dependency ratio is predicted to increase and reach 69.8 by 2051. Between 2001 and 2051, the dependency ratio in Queensland is projected to rise from 48.8 to 69.7, although it will remain slightly below the national average over the entire period.

In Australia, the number of persons aged 65 years and over per 100 persons of working age (referred to as the aged dependency ratio) is projected to more than double over the next 50 years, from 18.9 to 46.0. In Queensland, the aged dependency ratio is projected to increase from 17.5 to 45.5 over the same period. This increase implies, among other things, an increase in the number of Queensland

workers providing care for elderly family members aged 65 and over, which will impact on their labour force participation.

Flexible work arrangements for mature-aged workers

In addressing the problem of the ageing workforce, it is important to focus on increasing both the labour force participation and productivity of older workers. Participation may be increased through flexible work arrangements.

Employers can benefit from being more flexible in managing mature-aged workers in the following ways:

- retention of corporate knowledge and skills
- reduction of knowledge and skill shortages in critical areas
- minimisation of recruitment and training costs

Flexible work arrangements that can be made available to older workers in the workplace are based on phased retirement options. Phased retirement may enable employees who are close to retirement or eligible to retire, but unable to continue working full-time, to make an easier transition to retirement. Mature-aged workers may also be able to achieve a desired balance between work, family and lifestyle commitments, such as elder care, spending more time with grandchildren and travel opportunities.

Phased retirement may be either:

- **Gradual retirement**
Pre-retirement gradual reduction in hours of work and/or workload
- **Deferred retirement**
Refers to post-retirement part-time, casual or contract work, pay averaging, or job sharing for those who still wish to work

Gradual retirement/ pre-retirement

Description

Gradual retirement allows older employees to progressively reduce their working time and/or workload over a period of time instead of abruptly shifting from full-time employment to retirement.

An employee's **working time** may be reduced by utilising a number of options. Part time work, job sharing and pay averaging for purchasing additional annual leave may assist mature-aged employees reduce their working time.

Another option for reducing working time is taking partial long service leave over a long period of time. For example, an older employee with a large long service leave balance could negotiate extending their participation in the workforce by working four days per week and use one day long service leave, so they still receive a full-time salary while reducing their work time.

An employee's **workload** may be reduced by the employee and employer voluntarily re-negotiating duties and responsibilities. This could involve rearranging work

responsibilities within the team or section or simply moving to a different job of the same classification level. The employer may agree to this change without a reduction in pay.

Eligibility for partial long service leave over a long period of time

Eligibility to take partial long service leave over a long period of time is dependent on whether an award includes such a provision. If there is no provision in the award, or the employee is not covered by an award, section 45(2) of the *Industrial Relations Act 1999* states that the employee and employer may agree when the employee is to take long service leave. This section allows employees and employers to negotiate an arrangement whereby the employee can take a number of days per week of long service leave over an extended period.

However, section 45(3) in the Act provides that if the employee and employer cannot agree on when the employee is to take long service leave, the employer may decide when the employee is to take leave, which must be at least four weeks in length. Thus, for an employee to take partial long service leave the employee and employer need to agree and negotiate a written agreement that is signed by both parties or negotiate a provision within a certified agreement which states that the employee can take less than four weeks long service leave.

Eligibility for provisions to reduce workload

Rearranging an employee's work responsibilities without a reduction in pay is **not** provided for under the *Industrial Relations Act 1999* and is not provided for in awards.

Where there are no provisions under the *Industrial Relations Act 1999* or awards, employers and employees may negotiate an informal agreement, a formal policy or a formal agreement registered or approved by an authority or tribunal. Employees should contact their human resource department or employer to find out what provisions may already be available through any such arrangement.

What employees should know or do

Employees will need to consider the impact of these options on their superannuation as the contributions will be calculated on a reduced income.

The Australian Investment and Securities Commission's Super Choices or Australian Taxation Office can provide further superannuation information.

Deferred retirement/ post-retirement

Deferred retirement involves extending employment after the normal retirement age, usually subject to employer approval and/or proof of fitness.

- One option is allowing older workers to continue working after retirement on a part-time basis. This provides older workers with an opportunity to supplement their pension income and maintain a number of benefits

- Job sharing and pay averaging schemes for purchasing additional annual leave are also ways that mature workers can continue to work at a reduced level
- Another option is for employees to retire (i.e. terminate) but still be available for casual or contract work as required

Further information is available on the eligibility for part-time work, job sharing and pay averaging for purchasing additional annual leave.

Employees will need to consider the impact of these options on their superannuation as the contributions will be calculated on a reduced income.

The Australian Investment and Securities Commission's Super Choices or Australian Taxation Office can provide further superannuation information.

Assistance with aged-care responsibilities

As the population is ageing, more men and women will be faced with aged care responsibilities. More workers will become responsible for the care of elderly parents, while more mature-aged workers may also increasingly become responsible for the care of spouses.

There are several services available which provide information, support and assistance with aged care and other care responsibilities:

- Alzheimer's Association Queensland
- Home and Community Care
- Disability Services Queensland
- Disability Council of Queensland
- Office for Seniors
- Stroke Association of Queensland Inc.
- Council on the Ageing Queensland
- Carers Queensland
- ARAFMI Queensland Inc.
- Ethnic Communities Council of Queensland
- Parent to Parent Association Queensland Inc.
- Lifeline Community Care
- Seniors Enquiry Line

Alzheimer's Association Queensland

The Alzheimer's Association of Queensland (AAQ) is Queensland's leading not-for-profit community organisation whose primary aim is to help maintain the quality of life of people diagnosed with dementia and their caregivers. They offer a 7 day a week 24 hour a day helpline for information and support on Alzheimer's disease and other forms of dementia. Contact the association on 1800 639 331.

Home and Community Care

Queensland Health administers the Home and Community Care (HACC) program, which provides a single point of access to existing aged care services and resources. HACC provides financial assistance to service providers for support services for frail elderly persons, persons of all ages with a disability, and their carers, in their own homes.

The HACC Program encourages combinations of services and flexibility of service delivery to meet the assessed needs either of an individual or a region. Some services require a small contribution depending on the situation. HACC services assist carers to participate in the paid workforce and to balance their work and family responsibilities by providing services that carers would otherwise have to perform.

The following are types of services which can be provided under the HACC Program by HACC funded agencies.

- Services such as Community Options co-ordinate a range of services such as meals, day respite, transport etc for the client
- HACC funds a number of community organisations which provide services such as social support, carer counselling, information, advocacy and training
- Pick-up transport services can collect clients at home and take them to places such as shops, medical appointments, respite centres. Some services may provide taxi vouchers or subsidies

Disability Services Queensland

Disability Services Queensland (DSQ) works closely with communities to enhance service delivery and allow people with a disability, their families and carers more input into the policies that affect them.

DSQ's responsibilities include:

- the provision of services and supports, both services operated by the department and those provided through the non-government sector
- community infrastructure development
- whole-of-government leadership and coordination

The Family Support Program provides support aimed at strengthening the family's ability to care for their family member with a disability as well as continue to care for all family members. The program assists families through access to a facilitator who can support families in many ways, including:

- providing up-to-date information on available supports, resources and networks and linking families to the supports
- assisting with short and long term planning
- advocating, or assisting families to advocate for improved services from existing service providers

- providing access to discretionary funds available in the Family Support Program to purchase supports

The Friendship Program encourages friendships between people with a disability and other community members. The program also provides information, training and support to help community-based recreational and interest groups foster environments that include people with a disability in friendship networks.

The Accommodation Support Service (ASS) consists of small groups of adults with intellectual disabilities who live in the community with the support of paid DSQ staff. ASS was established so people with an intellectual disability can live in an environment which is least restrictive of their freedom and promotes community involvement.

The Resident Support Program is an initiative to support and improve the quality of life for people with a disability who live in private residential services, such as hostels or boarding houses. Assistance is provided through:

- supporting socially isolated people to develop or rebuild relationships in their communities through activities such as suitable social, educational, recreational and vocational opportunities
- key support workers to help people to get primary health care, non-health related services and facilitate links to community based services
- disability support service to assist people with personal care, including showering, toileting, continence management, dressing and undressing

The Adult Lifestyle Support Program is one of the ways DSQ assists adults with a disability to maintain the living arrangements of their choice, and participate in their community. The program offers support and funding so individuals can plan and make use of the services that suit them best. Examples include support at home to manage their household, strengthen personal and family relationships, take part in recreation and leisure activities, and purchase necessary aids and equipment.

The Carer's Recognition Policy establishes a framework for Queensland Government departments and agencies to identify and recognise the important role of carers for those that they care for and for the community. Carer policy crosses all areas of public policy including social, health, education, employment and training, and industrial relations. An inter-departmental committee has been working in partnership with carers and their representatives to develop an action plan to implement this policy. The Queensland Government Carer Action Plan 2006-10 was launched on 1 December 2006. The plan outlines actions to support Queensland carers.

The People Management Toolkit has been designed to provide managers within the Queensland disability sector with practical information on a range of people management practices, such as recruitment, performance management, training and skill development, and management development. The toolkit provides:

- practical guidelines and information on people management practices, drawing on knowledge from the sector and research into the practice
- checklists which highlight learnings for each practice

- example guidelines for developing material such as position descriptions and performance contracts used by organisations across the sector and
- further information such as references to books and manuals and links to websites for related organisations and professional bodies

Disability Council of Queensland

The Disability Council of Queensland (DCQ) works with Disability Services Queensland (DSQ) to identify and respond to disability issues at a regional and state-wide level. The Disability Council of Queensland is an initiative of the Department of Communities, which provides community engagement and administrative support for the DCQ's activities. DCQ is comprised of the chairs from the ten Regional Disability Councils in Queensland together with a Ministerially appointed chair.

The DCQ provides an opportunity for Queenslanders with a disability, their families, service providers and local community members to get involved in government decision-making in regard to the delivery of quality disability services in the state. The DCQ advocates for the needs of Queenslanders with a disability and their families, and advises the Minister for Communities, Disability Services and Seniors on issues affecting services to people with a disability.

Office for Seniors

The Office for Seniors has a lead role across government for ageing and older peoples' issues. The Unit consults broadly to develop and influence policies and programs which relate to ageing or impact on older people's lives, and develops and disseminates information relating to issues relevant to older people and those interested in ageing issues.

In addition, the office is responsible for other major initiatives that reflect emerging issues, provides guidance across government in relation to seniors' policy issues, and promotes positive attitudes towards older people and ageing through events that challenge stereotypes of older people.

Stroke Association of Queensland Inc.

Stroke Association of Queensland Inc. (SAQ) aims to improve the quality of life of stroke survivors, their carers and families through communications, information, education and emotional support.

SAQ is an information and referral centre that provides a range of services including:

- a quarterly magazine, information kits, brochures and posters
- health promotion (e.g. Stroke Awareness Week)
- stroke seminars and information sessions
- stroke support groups

- community education and
- telephone support

Council on the Ageing Queensland

Council on the Ageing Queensland (COTAQ) encourages older people, those who work with them, governments, and the community to achieve well-being and social justice for all older people. COTAQ promotes and protects the well-being of all older Queenslanders through policy and advocacy; education and information and community projects. COTAQ also provides links to organisations such as Centrelink that can provide income support payments to those eligible.

Carers Queensland

Carers Queensland provides carers with information and services to support them in their caring role. Carers Queensland is also committed to increasing awareness of carers and their issues. Carers provide unpaid support and assistance to a family member or friend who has a disability, physical or mental illness, or is frail aged. Counselling, information and resources such as a free carer support kit can be obtained from Carers Queensland.

ARAFMI Queensland Inc.

ARAFMI Queensland Inc. provides information and support services for families and friends of people with mental illness and/or psychiatric disability. It also provides information for carers to cope with the demands and pressures of care giving, and communicate the needs of carers and families to health care professionals, government and community. ARAFMI aims to increase community awareness and understanding of mental disorders and decrease the stigma attached to mental disorders.

Ethnic Communities Council of Queensland

Ethnic Communities Council of Queensland (ECCQ) represents the interests of the many people from diverse cultural and linguistic backgrounds, who are part of the broad social community, and promotes multiculturalism. ECCQ undertakes project and program development and focuses on aged and frail care, in-home care service for the frail aged, and residential care.

ECCQ also manages a Queensland health funded program delivering HIV/AIDS, hepatitis and sexually transmitted infections educational and information program into ethnic communities. ECCQ's state-wide systemic advocacy program aims for all people from diverse cultural and linguistic backgrounds to have equal access to services and can fully participate in all aspects of life.

Parent to Parent Association Queensland Inc.

Parent to Parent Association Queensland Inc. provides information and peer support to families who have a family member with a disability or health impairment. The Association provides peer support by linking families with each other, and information via a number of training and skill enhancement activities for families and professionals. The training also contributes to building and maintaining positive and mutually respectful relationships between people with a disability, families and professionals.

Lifeline Community Care

Lifeline Community Care Queensland provides support to Queenslanders from Cairns to the Gold Coast and inland to Charleville. The organisation seeks to provide support to people in ways that recognise the dignity of each individual, strengthening them and their community. A variety of programs and services are available, such as family programs, children's services, disability supports and supported accommodation assistance programs.

Seniors Enquiry Line

Seniors Enquiry Line (1300 135 500) is a state-wide information and referral service open between 9am and 5pm on weekdays. Seniors Enquiry Line provides Queensland seniors, their family, friends and carers information on concessions, social activities, household assistance, retirement accommodation, finance, legal, computing for seniors, health, education and transport.

© The State of Queensland (Department of Employment and Industrial Relations) 2006.

The State of Queensland makes no statements, representations, or warranties about the accuracy or completeness of, and you should not rely on, any information contained in this document.